

2018

Town of Naples Maine Ordinances

Naples, Me.

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/towndocs>

This Plan is brought to you for free and open access by DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine. For more information, please contact um.library.technical.services@maine.edu.

*Attest: A True Copy
Judy L Adams
Town Clerk*

Town of Naples
Addressing Ordinance

Section 1. Purpose

The purpose of this ordinance is to facilitate the rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the town of Naples.

Section 2. Authority

This ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A, M.R.S.A. Section 3001. It does not apply to roads and structures contained within the boundaries of State Parks or other State property.

Section 3. Administration

This ordinance shall be implemented by the Town of Naples Enhanced 911 Committee, which is authorized to and shall cause road names to be assigned to existing roads and numbers to be assigned to all structures, in accordance with the criteria in Sections 4 and 5. The Enhanced 911 Committee will act to acquire the following products in accordance with the provisions of this ordinance; maintenance of the products shall then become the responsibility of the Town.

a. A Naples map for official use showing road names and numbering intervals. (The committee is responsible for providing all the necessary information to the State, which will produce the actual map at no cost to the Town.)

b. A database system in which to store all the roads, property owner names, tenant names, new street addresses, tax map numbers, plot numbers, and any additional information deemed necessary by the Enhanced 911 Committee. The system must be designed to facilitate annual re-validation of the data.

Section 4. Naming System

All roads that serve one or more properties shall be named, regardless of whether the road ownership is public or private. All roads that are not wholly contained within the boundaries of private property, or campgrounds must be named. Driveways will not be named.

A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare.

"Driveway" refers to any access road to private property that is wholly contained within the boundaries of that property.

"Property" refers to any land parcel on which a more or less permanent structure has been erected or could be placed.

A road name assigned by the Town of Naples shall not constitute or imply acceptance of the road as a public way. Responsibility for installation and maintenance of signs for private roads will not be accepted by the Town. The Town will, however, install and maintain one sign to be placed at the point at which each public way intersects with a private road.

Current names will not be changed unless they are classified as prohibited. Whenever practical, names for roads will be selected by the residents and property owners associated with the road, when the road does NOT currently have an acceptable name.

The following criteria shall govern the naming system:

a. No two roads shall be given the same name or similar names (e.g., no Pine Road and Pine Lane). If duplication is found in existing road names, precedence shall be accorded the road which has held the name longest, or (in case of a tie) the one which has the greater number of abutting developed properties. Conflicts will be resolved by the Enhanced 911 Committee, which shall have uncontestable authority in this matter.

b. No two roads should have similar-sounding names (e.g., Beech Street and Peach Street). Determination of this shall be the responsibility of the primary public safety representative on the Enhanced 911 Committee.

c. Each road shall have the same name throughout its entire length. Determination of the start and stop points for each existing road is the responsibility of the Enhanced 911 Committee during the initial implementation of this ordinance, based upon guidelines furnished by the State. The Planning Board will make the determination for roads developed as part of new subdivisions or other new development thereafter.

d. Although the Enhanced 911 Committee is empowered to assign road names, first consideration will normally be given to the name selected by the majority of the owners whose property abuts the road when the response can be obtained in a timely manner. During the implementation of this ordinance, conflicts will be resolved by the Enhanced 911 Committee, which shall have uncontestable authority in this matter; thereafter, resolution authority shall rest with the Code Enforcement Officer.

e. Road names are restricted to a total of 30 characters and spaces, and should include a word from the following list. Abbreviations on road signs must follow the standard shown in [brackets] (customary definition of each road type is indicated, but is not intended to restrict selection for any road):

Avenue [AV] (usually a thoroughfare running principally in a North-South direction).

Circle [CIR] (short road that returns to itself; circular or semi-circular roads).

Court [CT] (permanently closed road such as a cul-de-sac; dead end road, usually under 1,000 feet in length, or a horseshoe-shaped road).

Drive [DR] (fire road or private road).

Lane [LN] (fire road or private road).

Loop [LOOP] (short drive that begins and ends on the same intersecting road).

Road [RD] (usually a secondary thoroughfare).

Street [ST] (usually found in downtown or more congested areas; run principally in an East-West direction).

f. The entrance road to mobile home parks will be assigned a name, which it will bear for the entire distance throughout the park. The operator of the park is responsible for naming all other roads wholly contained within the park, posting street/road name signs, and numbering each lot or assigned space in accordance with the provisions of this ordinance.

g. Names shall not contain hyphens, apostrophes, or non-alphabetic characters.

h. No obscenities or profanities shall appear in any road name.

Section 5. Numbering System

Numbers shall be assigned in accordance with the numbering interval specified on the official Naples map for the associated road, along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, as determined by the number origin. The Planning Board will establish the interval to be used for new roads which are part of a proposed subdivision. The Code

Enforcement Officer will determine other cases prior to issuing a building permit, which will reflect the correct address as part of the authorization to construct a building.

The following criteria shall govern the numbering system:

a. Roosevelt Trail (Route 302) numbering interval shall increase from east to west commencing with the number "1". Roads intersecting Roosevelt Trail shall be numbered, beginning with "1", from the road's intersection with Roosevelt Trail, with numbers increasing as they move away from Roosevelt Trail. Numbering for all roads shall begin with "1" at the end of the road which falls closest to Roosevelt Trail (Route 302), Casco Road (Route 11), Harrison Road (Route 35) or Sebago Road (Route 114), as applicable. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.

b. The number assigned to each structure shall be that of the numbering interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway or access walkway to said structure. If multiple residences/habitable buildings share the same driveway, they shall be treated in the same manner as duplexes (subpara c., below).

c. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy. Duplexes will have two separate numbers, without any suffix; apartments, motels, and cabin complexes will have one road address number with a unit number, such as 2325 Maple Street, Apt 2 (or unit 2). In no case will suffixes to number be used (e.g., there cannot be a 123A or 123B address used for any building).

d. The entrance road to campgrounds will be assigned one road address number, and the operator of the campground will be responsible for assigning site numbers and posting signs or taking other steps to guide emergency vehicles to destinations.

Section 6. Compliance

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

a. Numbers on the Structure or Residence. Where the residence or structure is within fifty (50) feet of the edge of the road right-of-way and can be seen from the road, the assigned number may be displayed on the front of the residence or structure near the front door or entry, or at the Street line.

b. Number at the Street Line. Where the residence or structure is over fifty (50) feet from the edge of the road right-of way or cannot be seen from the road, the assigned

number shall be displayed on a post, fence, wall, mail box (when the street address becomes the mailing address) or on some structure at the property line next to the walkway or access drive to the residence or structure.

c. Size and Color of Numbers. Numbers shall be located to be visible from the road. Minimum size for the numbers shall be 4 inches high by 3 inches wide. The color of the numbers shall contrast the mounting background in a manner which allows the numbers to be read from the road. Reflectorized numbers are recommended.

d. Every person whose duty it is to display the assigned number shall remove any different number that might be mistaken for, or confused with, the number assigned in conformance with this ordinance.

e. Interior location. All residents and other occupants are advised to post the assigned number and road name next to their telephone for emergency reference.

f. Road name signs will be installed and maintained by the Town at necessary points on all roadways that are maintained by the Town or the State (except internal roads within State Parks and other similar areas), and at the intersection of those roads with all other roads or traveled ways within the geographical limits of the Town. Existing fire lane number signs will remain in place, along with the new road name sign, for a period of at least 1 year after the effective date of this ordinance.

Section 7. New Construction and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance as follows:

a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the owner to obtain an assigned address from the Code Enforcement Officer. This shall be done at the time of the issuance of the building permit.

b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the Planning Board. Approval by the Planning Board, after consultation with the Code Enforcement Officer, shall constitute the assignment of road names and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets at an interval to be set by the Code Enforcement Officer, to aid in assignment of numbers to structures subsequently constructed.

Section 8. Effective Date

This ordinance shall become effective one day after approval at Town Meeting. It shall be the duty of the Town to notify by mail each property owner and the Naples Post Office of a new address at least thirty (30) days before the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within thirty (30) days following notification of the new address. On new structures, numbering will be installed before final inspection, or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement

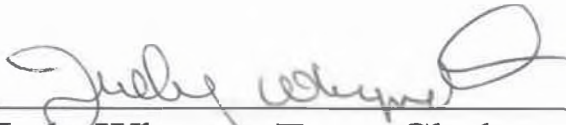
Violation of this ordinance shall be a civil violation. The person or persons committing the violation shall be liable for a civil penalty of not more than two (2) dollars per day for each and every day in which the violation occurs. Enforcement shall be the responsibility of the Code Enforcement Officer.

TOWN OF NAPLES

INVASIVE AQUATIC PLANT SURVEY ORDINANCE NAPLES, MAINE

ADOPTED: JUNE 9, 2018

Attested:



Judy Whyne, Town Clerk

INVASIVE AQUATIC PLANT SURVEY ORDINANCE

NAPLES, MAINE

Section 1. PURPOSE

The purpose of this Ordinance is to prevent the introduction of invasive aquatic plants into Long Lake in the Towns of Bridgton, Harrison and Naples, Maine and Brandy Pond in Naples, Maine. Protecting the public and private economic resources, fish and wildlife habitat, and the natural beauty of the lake and pond is of prime importance to the overall welfare of lakeshore communities. Only a small fragment of an invasive plant can infest and ultimately destroy a lake, and Long Lake has already experienced an infestation of Variable Leaf Water Milfoil.

Section 2. REQUIREMENTS

This Ordinance requires that all owners of Boat Launching Sites and Significant Boat Docking

Facilities, as defined herein, obtain an annual plant survey from a Certified Party, as defined herein. This Ordinance requires that the annual survey shall be conducted between June 15 and August 15. Ideally, the survey should be conducted early in the prime growing season for aquatic plants, but this time range is intended to allow flexibility to accommodate variations in weather conditions, water conditions, and availability of Certified Parties.

Section 3. IMPLEMENTATION

Annual surveys for aquatic invasive plants at Boat Launching Sites and/or Significant Docking Facilities on Long Lake and Brandy Pond will be the responsibility of the landowner where the site or facility is located. The Town shall provide forms to certify proof of survey and a list of qualified individuals or entities who capable of conducting aquatic plant surveys.

Section 4. DEFINITIONS

Boat Launching Sites shall mean any location where motorized watercraft of any type are launched or removed from Long Lake and Brandy Pond. This term shall not include launching sites used exclusively by individual landowners. However, such owners are encouraged to conduct an annual survey voluntarily.

Significant Boat Docking Facility shall mean any location where more than six (6) motorized watercraft of any type are moored, docked, stored, or beached on property adjacent to Long Lake or Brandy Pond. This term shall not include docking facilities used exclusively by an individual private landowner or family. However, such owners are encouraged to conduct an annual survey voluntarily.

Certified Party is a person trained in the identification of invasive aquatic plants by the Maine DEP, the Volunteer Lake Monitoring Program or Lakes Environmental Association. The Certified Party may be a volunteer, employee or private contractor. NOTE: Certified Parties who are paid shall be compensated by the owner of the Boat Launching Site and/or Significant Boat Docking Facility at a fee mutually determined.

Section 5. ENFORCEMENT/PENALTIES

It is unlawful and in violation of this Ordinance to fail to obtain an annual survey and to provide proof of said survey to the town office of the town where a Boat Launching Site and/or Significant Boat Docking Facility is located. The Town shall provide an official form to certify proof of survey.

Any law enforcement officer or municipal code enforcement officer may issue a Notice of Violation.

Such notice shall impose a fine of up to one thousand dollars (\$1,000.00), which must be paid to the Town Clerk of the town where a Boat Launching Site and/or Significant Boat Docking Facility is located within ten (10) days of the Notice of Violation. In the event said fine is not paid within the specified time limitation, a summons shall be issued for appearance in District Court.

Section 6. AVAILABILITY OF ORDINANCE

This Ordinance shall be on file at the offices of the Town Clerks in the Town of Naples and will be available to any member of the public.

Section 7. EFFECTIVE DATE

This Ordinance takes effect on this 9th day of June, 2018 as attested.

TOWN OF NAPLES

CEMETERY ORDINANCE

Adopted June 15, 1996
Amended February 7, 2002
Amended September 13, 2004

TABLE OF CONTENTS

SECTION 1.	Purpose and Intent.....	2
SECTION 2.	Administration	2
SECTION 3.	Fees	2
SECTION 4.	Rules of Cemetery Conduct	2
SECTION 5.	Lot Ownership.....	4
SECTION 6.	Care of Lots	5
SECTION 7.	Interments.....	5
SECTION 8.	Plants, Shrubs and Flowers.....	7
SECTION 9.	Monuments	8
SECTION 10.	Descent of Title.....	8
SECTION 11.	Correction of Errors	8
SECTION 12.	Enforcement	9

SECTION 1. Purpose and Intent

For the mutual protection of lot owners and the Cemetery as a whole, the following Ordinance is hereby established. All lot owners and persons visiting the Cemetery shall abide by such Ordinance as herein enacted and as hereafter amended, which ordinance is intended to assist in maintaining our Cemetery as a peaceful and beautiful area as well as a reverent symbol of respect for the dead.

SECTION 2. Administration

- A. The Cemetery shall be administered by the Town Manager who may appoint a Cemetery Custodian to oversee Cemetery sales, maintenance, improvements and any other functions of the Cemetery operation.
- B. Conflict, Validity:
 - 1. Conflict of Laws. Except as otherwise specifically provided herein, nothing contained in this Ordinance shall be construed as repealing or invalidating any existing law, ordinance or regulation of the State of Maine or Town of Naples, but shall operate in addition thereto.
 - 2. Validity. The invalidity of any section or provision of this Ordinance shall not invalidate any other section or provision thereof.

SECTION 3. Fees

- A. All Cemetery fees charged for purchase of any burial lot(s), perpetual care, deed preparation, recording expenses and/or lot boundary location, shall be payable to the Town of Naples.
- B. The Town of Naples does not perform interment or disinterment services nor does it furnish monuments or markers. The public may contract and pay for such services through any reputable funeral director.

SECTION 4. Rules of Cemetery Conduct

- A. No person shall enter, exit, or trespass upon any Town Cemetery after dark or before dawn without express permission from the Town Manager or Cemetery Custodian.
- B. Persons visiting the Cemetery shall use only the walks and roadways provided, and no person shall walk upon or across lots or lawns unless necessary.

- C. No person shall destroy, mutilate, deface, injure, alter or remove any monument, gravestone, marker, fence, railing, urn, vase, ornamentation, vegetation or other structure or growth placed within the Cemetery or any lot within the Cemetery.
- D. Maximum speed limit is 10 miles per hour.
- E. No vehicle may be driven or parked across or upon any grave, lot or lawn.
- F. Parking or leaving any vehicle on any road or drive in such a way as to prohibit any car or vehicle from passing is prohibited and a violation of this rule will be cause for the removal of such vehicle.
- G. No person shall be in possession of or consume any alcoholic beverage within the Cemetery.
- H. No person shall sell or offer for sale, hire, lease or rent any object, merchandise, property, service or other thing in the Cemetery nor shall any person engage in any commercial enterprise in the Cemetery except such as is directly involved in the business of the Cemetery.
- I. No person shall deposit in the Cemetery any garbage, sewage, refuse, waste, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or waste material or obnoxious material, except in containers designed for such purposes.
- J. No person shall behave in a loud, indecent or disorderly manner in the Cemetery or create any unnecessary disturbance.
- K. No person shall conduct or participate in any sport, game, or contest in the Cemetery.
- L. No person shall cause or permit any animal or dog owned by him, in his custody, or under his control, to roam at large within the Cemetery.
- M. No sign, notice or advertisement of any kind except directional identification signs placed by Cemetery personnel shall be permitted in the Cemetery.
- N. The bringing of firearms into the Cemetery, except by a military escort, is prohibited. The discharging of, or carrying offensive weapons of any type, or the hurling of rocks or pellets, or the discharging of fireworks therein is strictly prohibited. This is not to be construed as prohibiting ceremonial volleys with blank charges by properly supervised honor guards as a tribute to a deceased person.
- O. Riding or driving of ATVs, snowmobiles, bicycles, or other recreational vehicles within the boundaries of any Town Cemetery is strictly prohibited.

SECTION 5. Lot Ownership

- A. Persons desiring to purchase lots should contact the Municipal Offices. Sale of lots will be limited to persons who own taxable real or personal property within the Town of Naples or who can provide evidence of permanent residency in the Town of Naples at the time of purchase, or family members or legal heirs at law of the aforesaid taxpayers and/or residents. A copy of this Ordinance will be made available to prospective purchasers.
- B. The purchase price must be paid in full at the time of purchase and receipt for such purchase price will be given to the purchaser at that time. The purchase price shall be established by the Board of Selectpersons after notice and hearing. The Selectpersons shall allocate an appropriate portion of the purchase price for perpetual care. A single lot shall have the dimensions of not less than, 3 feet by 8 feet and shall accommodate one burial except as allowed in paragraph 7F below. Within thirty days after purchase, the Town of Naples will forward to the Registry of Deeds for recording the prepared and executed Cemetery lot deed. Descriptions of lots contained in such deed shall be in accordance with Cemetery survey descriptions and designations which are kept on file in the Municipal Offices. It shall be the duty of the lot owner to notify the Municipal Offices of any change in address after purchase. No lot or grave shall be defined by a fence, rail, curb, hedge, tree or shrubs for the purpose of describing its corners or boundaries.
- C. No easement or right of interment is granted to any lot owner in any walks or roadways within the Cemetery, but such roadways or walks may be used as a means of access to the Cemetery or buildings so long as it shall be devoted to such purpose.
- D. The Town of Naples reserves the right to:
 - 1. Enlarge, reduce, replot, or change the boundaries or grading of the Cemetery.
 - 2. Modify or change the location of, or remove or regrade roadways or walks.
 - 3. Install, maintain, and operate sprinkler and drainage systems.
 - 4. Use unsold Cemetery property for any purposes deemed necessary.
 - 5. Have a perpetual right of ingress and egress for itself and others over lots for the purpose of passing to and from other lots.
- E. All reasonable precautions will be taken to protect lot owners within the Cemetery from loss or damage, but the Town of Naples will not be responsible for loss or damage.
- F. The deed and this Ordinance, including amendments hereto, constitute the sole agreement between the Cemetery, the Town of Naples, and lot owners. The

statement of any employee or agent, unless confirmed in writing by an authorized representative of the Cemetery of the Town of Naples shall in no way bind the Cemetery or the Town of Naples.

- G. The Town of Naples shall have the authority to purchase outright, or exchange for other lots, on behalf of the Town of Naples, any unoccupied lot or lots, at such price or prices as may be agreed upon by the owner or owners and the Town of Naples.
- H. Except in the case of a deceased lot owner who passes title by law or Last Will and Testament to legal heirs or devisees, transfers of Cemetery lots, whether oral or written, recorded or unrecorded, shall not be effective without the written verification that the transferee meets the ownership requirements specified in the Town of Naples Cemetery Ordinance adopted June 15, 1996 and amendments thereto. This written verification may be obtained from the Town Manager or Town Clerk. The preceding restriction must be included in all deeds conveying title to Cemetery lots. This provision is intended to allow the Town to provide affordable lots to Naples taxpayers and Naples residents while controlling the resale of this limited resource. Transfer deeds are available at the Naples Municipal Office.

SECTION 6. Care of Lots

The general care of the Cemetery is the responsibility of the Town of Naples. This includes reasonable and practical care of the sold and unsold areas of the Cemetery, park and lawn areas, roadways, walks, fences, shrubs or trees which have been established by the Cemetery. In no case shall it mean the maintenance, repair, or replacement of any memorial, plaque, or monument erected or placed upon a lot, nor the performing of any special or unusual work in the Cemetery.

SECTION 7. Interments

- A. The Cemetery will be open daily for interments from 8:00 a.m. to 4:30 p.m., Monday through Sunday.
- B. All funerals entering the Cemetery shall be under the direction of the funeral director, or other person(s) deemed responsible by the Town Manager or Cemetery Custodian. Said funeral directors and/or other responsible person(s) shall abide by this Ordinance.
- C. Burial permits must be obtained from the Town of Naples prior to burial of caskets and urns. The Cemetery Custodian and/or Town Clerk must be notified prior to any interment. Since the Town staff is not always informed of transfer of ownership of Cemetery lots, this procedure is necessary so that the Town has accurate documentation regarding the name of persons interred in each Cemetery

- lot and the date of interment. This information will aid historical and genealogical researchers as well as family members and loved ones who seek to determine the exact location of burial.
- D. Once a casket containing a body is within the confines of the Cemetery, it shall not be opened except by a funeral director or his assistant(s), or on an order signed by a court of competent jurisdiction.
 - E. All orders for interments in lots must be signed by the owner of the lot, or his authorized representative. When this is impossible because of absence from town, telegraphic or electronic permission will be accepted in lieu of signed authorization.
 - F. No interment of more than one (1) uncremated body shall be made in one grave, except in the case of parent and child, who may be buried in one casket or one adult casket and one small (child) casket, or two infants buried in one casket or two infant caskets. Up to three (3) cremations and their markers, at ground level, may be placed in any one grave, and these three cremations may be in addition to the aforesaid one (1) non-cremated body per grave. Further variation may be made in the case of cremations within family lots subject to the placing of markers, and upon prior approval of the Town of Naples.
 - G. When an interment is to be made, the location and position of such interment shall be designated by the lot owner, or his authorized representative. Should they fail to make such designations, the Town reserves the right to make the interment in a location and position designated by the Town Manager or Cemetery Custodian. The Town of Naples shall not be responsible for errors from information as to particular space, location and position in a lot where interment is desired.
 - H. Once an interment has been made, graves will be opened only in accordance with Laws of the State of Maine. When the Cemetery is directed to make a disinterment, by an order of a court of competent jurisdiction, a certified copy of such order must be filed with the Town of Naples. In all cases the responsibility of the Town shall be limited to confirmation of lot location only, and the actual disinterment must be made by the person authorized to do so.
 - I. In order to maintain a high standard of care and to eliminate sunken graves caused by the collapse of wooden boxes, all burials must be made in outside containers constructed of natural stone, metal, reinforced concrete, or approved synthetics. All such containers must be made and installed so as to meet the specifications established by Laws of the State of Maine. (See paragraph K of Section 7 for restrictions regarding burial of urns.)
 - J. The Town reserves the right to insist upon at least **forty-eight (48)** hours notice of any interment and at least one week's notice of any disinterment or removal. The

Town reserves the right to postpone interment, disinterment or removal due to acts of nature, God, civil and national emergencies.

- K. Ashes shall be buried in an urn. A vault is not required, but is an option. Urns or urn vaults will be buried at a depth of 24 inches. A funeral director's presence is not necessary for urn or urn vault burial, however, burial permits must be obtained from the Town of Naples for burial of ashes for the reasons outlined in paragraph 7C above.
- L. The Town of Naples discourages interment and disinterment between December 1 and March 15 due to the difficulty in accurately locating Cemetery lots beneath the customary covering of snow and because of difficulty in removing earth due to frozen ground. The Town will, however, accommodate the family of the deceased whenever necessary to satisfy religious or ethnic customs. For information regarding wintertime vault facilities, contact a qualified funeral director, the Town Manager or the Cemetery Custodian.

SECTION 8. Plants, Shrubs and Flowers

- A. The Cemetery will undertake to maintain, as may be practicable, the maintenance of trees and shrubs to preserve its landscape features, but will not undertake to maintain individual plantings, or containerized potted plants.
- B. Whenever lot owners choose to plant shrubs or evergreens, thought must be given to selection of a hardy variety and one that will not exceed the limits of the location. All evergreens and shrubs will be limited to a height of 36 inches and must be kept trimmed to within six inches of the inside of the lot borders. The Town will, within its power, trim all vegetation properly placed on lots. Any shrubs encroaching closer than 6" to the lot boundary or taller than 36" will be cut back.
- C. The Town shall have the right to remove all floral arrangements, flowers, weeds, shrubs, or plants, of any kind from the Cemetery as soon as they become unsightly, dangerous, detrimental, or diseased, or when they do not conform to the standard maintained in said Cemetery.
- D. The Town shall not be responsible for any floral arrangements or other ornamentation.
- E. The Town reserves the right to remove vases or urns not cared for properly.

SECTION 9. Monuments

- A. The owner of any lot shall have the right to erect thereon any proper stone or monument subject to the following criteria:
1. For a single lot, the stone or monument shall be no more than 38 inches high, including the base, no more than 34 inches in base length, and no more than 16 inches in width.
 2. For a double lot, the stone or monument shall be no more than 38 inches high, including the base, no more than 4 feet in base length, and no more than 16 inches in width.

The location of head stones, lot markers and corner markers shall be approved by the Cemetery Custodian prior to placement. The Cemetery Custodian will be notified at least forty-eight (48) hours prior to placement. Only one monument shall be permitted on a lot. Two individual markers per grave are allowed, so long as the markers are recessed to ground level. In the case of cremation interment, two markers, at ground level, will be allowed for each cremation. Upon request, the Town will consider special provisions for multiple monuments and/or markers as may be required for multiple burials allowed in paragraph 7F above. **Failure to follow these set rules may incur a fine and/or the cost of correcting the error.**

- B. No monument shall be constructed of any material other than cut marble, granite, natural stone, bronze or other material as approved by the Town Manager or Cemetery Custodian.
- C. No stone or monument shall be erected until a suitable foundation is laid. All foundations for monuments shall be no less than 3 feet in depth. The Cemetery reserves the right to inspect and approve all foundations for such structures.

SECTION 10. Descent of Title

The laws of the State of Maine govern the descent of title to Cemetery lots, as well as other matters relating to their ownership. It is important that, upon the death of an owner of a lot, the heirs or devisees of such person should file full proof of ownership in the Municipal Offices for the purpose of correcting the record. Notarized statements as to relationship and certified copies of Wills are normally sufficient.

SECTION 11. Correction of Errors

The Town of Naples reserves the right to enforce correction of any errors that may be made in making interments, disinterments, or in the description, transfer, or conveyance of any lot. Lot owners who fail to specify proper interment position, or monument

dealers who fail to clearly specify monument or marker foundation positions will be required to correct any such errors at their own expense.

SECTION 12. Enforcement

- A. The Town of Naples and its Town Manager are hereby empowered to enforce the foregoing Ordinance and to exclude from the Cemetery any person deliberately violating such Ordinance. The Town of Naples and its Town Manager shall have charge of the grounds and buildings within the Cemetery and shall have supervision and control of employees and all persons visiting the Cemetery, whether lot owners or otherwise.
- B. Any person willfully violating any section(s) of this Ordinance through acts, which do not result in damage to Cemetery property, appurtenances, fixtures, or other installations therein, shall be subject to a fine of not more than one hundred dollars (\$100). Any person willfully violating any portion or portions of this Ordinance by actions which result in damage to Cemetery property, appurtenances, fixtures, or other installations therein, shall be subject to a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1000). The Town additionally reserves the right to pursue legal remedies to obtain full restitution for damages sustained.

dcl:5/30/96:c:\ordinance\cemetery.doc

CHANGEABLE SIGNS ORDINANCE

1. AUTHORITY.

The Town of Naples hereby enacts this “changeable Signs Ordinance” (hereinafter the “Ordinance”) pursuant to 23 M.R.S.A. §1914 (11-A), 3—A M.R.S.A. § 3001 and

2. PURPOSE.

The purpose of this Ordinance is to regulate the frequency and manner of change of display on each side of a changeable sign in a manner contrary to that provided by State law, and to do so in a manner that promotes highway safety.

3. DEFINITIONS.

- a. Changeable Sign – “Changeable Sign” means any on-premises sign existing on the effective date of this ordinance created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.
- b. Display – “Display” means that portion of the surface area of a changeable sign that is, or is designed to be or is capable of being periodically altered for the purpose of conveying a message.
- c. Message – “Message” means a communication conveyed by means of a visual display of text.

4. REGULATIONS.

- a. The display on each side of the changeable sign may be changed no more frequently than once every one (1) minute.
- b. The display on each side of the changeable sign must change as rapidly as technologically practicable, but the display may change through phasing, rolling, scrolling or blending; provided, however, that the display on each side of a changeable sign shall not flash.

5. ADMINISTRATION.

Pursuant to 23 M.R.S.A. §1914 (11-A), the changeable signs within the municipality and displays on each side of those changeable signs shall comply with all other requirements of State law. The town shall notify the Maine Department of Transportation in writing that it has adopted this Ordinance and shall send it a copy of the same. The Maine Department of Transportation shall administer the provisions of this Ordinance.

6. ENFORCEMENT.

This Ordinance shall be enforced by the Code Enforcement Officer pursuant to Title 30-A, Section 4452, as amended from time to time.

DATE OF ENACTMENT: June 21, 2006

Attested by Town Clerk

TOWN OF NAPLES
DEFINITIONAL ORDINANCE

Adopted June 11, 2002
Amended June 24, 2009
Amended June 16, 2010
Amended June 1, 2015
Amended June 9, 2018

Attested by Town Clerk

Attest:


Judy Whynot, Town Clerk

Accessory Apartment: A living area within a single family dwelling or within a structure accessory to a single family dwelling, such as a garage or barn, that is designed and equipped with housekeeping facilities so that it can be occupied by a person or persons living independently from the person(s) occupying the single family dwelling.

Accessory Structure: A use or structure, which is incidental and subordinate to the principal use or structure. Accessory uses when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Accessory Use: A subordinate use of a principal building, other structure or land, or a subordinate building or other structure:

The use of which is customary in connection with the principal building, or other structure or use of land;

The use of which is clearly incidental to the use of the principal building, other structure or use of land;

Which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot is in the same ownership or part of the same establishment.

Adjacent Upland: Means the land abutting a body of water to which an aquatic structure may be attached or which affords immediate access to an aquatic structure.

Aggrieved Party: An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agricultural Land Management Practices: Means those devices and procedures utilized in the cultivation of land in order to further crop and livestock productions and conservation of related soil and water resources.

Agriculture: The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Amusement Facility: Private commercial premises which are maintained or operated primarily for the amusement, patronage or recreation of the public.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Aquatic Structure: Shall mean any functionally water-dependent structure designed to be placed in or over a great pond or a river and shall include, without limitation docks,

wharves, piers and floats extending over the water starting at the normal high water mark.

Awning: A fabric or plastic cover mounted on a rigid frame and extending perpendicular to the side of a building.

Back Lot: Must conform to the current minimum lot size criteria, except for road frontage requirements. A back lot may only be created on a lot in existence as of June 8, 2001. No more than two (2) back lots are allowed on a parcel of land. A back lot shall be accessed by a right of way of no less than twenty (20) feet in width.

Barns, Stables and other Agriculturally Related Buildings: Buildings that are used primarily for agricultural purposes i.e. crop and livestock.

Bed and Breakfast: An owner occupied single-family residence that is licensed by the State of Maine to offer from three (3) to eight (8) rooms for overnight stay to the general public. Breakfast may be offered to overnight guests, however, no evening meals shall be offered.

Bedroom: A room, whether or not combined with any functions, customarily used or dedicated for the purpose of sleeping for one or more individuals, it shall include rooms used as dens, lofts and the like.

Boarding or Lodging Facility: Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two (2) weeks, and where a family residing in the building acts as proprietor or owner and where there are no provisions for cooking in any individual room other than the main.

Boat Launching Facility: A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area and parking spaces for vehicles and trailers.

Building: Any structure having a roof or partial roof supported by columns or walls used for the shelter or enclosure of persons, animals goods or property of any kind.

Campground: An area devoted to overnight recreational or educational use where the land is divided into sites or lots for which a charge is made, either on a short term basis, by sale, rent, lease or condominium type of financing or ownership; and/or any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other shelters.

Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

Caregiver: A person who renders healthcare and/or gives assistance in living to those in residence who require the service in every day living.

Church: A place of organized worship.

Cluster: Separate ownership of individual units in a multiple unit building or a group of three (3) or more individual units on a single parcel that meets the current minimum lot size.

Commercial: Connected with the business of buying, selling, storing of goods, services, or the provision of facilities for a fee.

Commercial Aquatic Structure: Means an aquatic structure serving persons other than those owning or lawfully occupying the adjacent upland, or an aquatic structure, the use of which is sold, rented or leased for consideration of any kind whether on a short term or a long term basis.

Commercial Recreation: Any commercial enterprise, which receives a fee in return for the provision of some recreational activity including, but not limited to, racquet clubs, health clubs, amusement facilities.

Commercial School: An educational institution, which is commercial or profit oriented. Examples thereof are: dancing, music, riding, correspondence, aquatic schools, driving or business.

Commercial Tower: Includes radio, radar, television or radiotelephone transmitting, repeating or broadcasting towers and necessary accessory structures, but not studios or offices for such activities.

Commercial Use: The use of lands, buildings or structures, other than a "home occupation", defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Commercial Vehicle: A vehicle used for commercial purposes including, but not limited, to trucks, buses and trailers.

Community Living Facility: As required by State Law under Title 30-A, M.R.S.A. Section 4357 2B, a community living facility is defined as a housing facility for eight (8) or fewer mentally handicapped or developmentally disabled persons which is approved, authorized, certified or licensed by the State. A community living facility may include a group home, foster home or intermediate care facility.

Comprehensive Plan: Any part or element of the over-all plan or policy for development of the Town as defined in Title 30 M.R.S.A. Chapter 239, Section 4961.

Conditional Use: A use that may be permitted in zones where it otherwise would not be permitted. The use must be consistent with the Comprehensive Plan for uses in those districts, and may be approved only after review by the Planning Board, notice to abutting landowners by certified mail and a public hearing. A conditional use is a use that would not be approved or appropriate without restrictions, but which may be permitted provided that all performance standards and other requirements are met. Approval shall be granted only for the applicant and is not transferable.

Condominium: Separate ownership of individual units in a multiple unit building or a group of three (3) or more individual units.

Construction: Structural changes or additions to a building or a structure other than repairs and modification in building equipment.

Construction Drawing: Means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, pavements, cross-section of streets, miscellaneous structures, etc.

Construction Sign: An on-premise sign located on a site where construction is occurring, providing the name, address or other identifying information for the contractor, architect, landscape architect, engineer and/or other participants in the construction process. Signs to be removed upon completion of construction.

Convalescent or Rest Home: A facility in which nursing care and medical services are performed under the general direction of persons licensed to provide medical care in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services.

Cross-sectional area: The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight-line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH: The diameter of a standing tree measured 4.5 feet from ground level.

Daycare Facility: An establishment, including a private residence, where three (3) or more children under the age of six (6) are cared for in return for compensation.

Designated Mooring Area: A cluster of moorings in an area not subject to hazards of navigation and designated by the Harbor Master.

Development: A change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring on land located within the Shoreland Zone.

Dimensional Requirements: Numerical standards relating to spatial relationships including, but not limited to, setback, lot area, shore frontage, road frontage and height.

Driveway: A vehicular access-way serving not more than one (1) lot.

Duplex: A dwelling that has accommodations for two families without regard to whether such accommodations are identical or not. May be adjacent or separate floors.

Dwelling: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal or temporary living quarters for only one family, including provisions for living, cooking and eating. The term shall include mobile homes but not recreational vehicles or tents.

Easements: The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of a property.

Emergency Operations: Operations conducted for the public health, safety or general welfare, such as, protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Entertainment: Shall include any amusement, performance, exhibition or diversion for the patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with entertainment value.

Essential Services: The construction, alteration or maintenance of gas, electrical, solar, wind, or communication facilities; steam, fuel, electric power or water transmission or distribution lines, tower and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of Structure: An increase in the floor area or volume of a structure, including all extensions, such as, but not limited to, attached decks, garages, porches and greenhouses.

Fairway: Shall mean a navigable channel in a restricted area of water body, which may but need not be marked with channel markers.

Family: One or more persons occupying a premises and living as a single housekeeping unit.

Final Subdivision Plan: The final drawings on which the subdivider's plan of subdivision is presented to the Planning Board for approval and which, if approved, must be filed for the record with the Municipal Clerk and County Registry of Deeds.

Flashing Sign: A sign whose illumination is not constant in intensity at all times when in use, and which exhibits changes in light, color, direction or animation. Illuminated signs, which indicate the date, time and temperature, will not be considered flashing signs.

Flight School: An operation that teaches how to fly an aircraft including balloons.

Floor Area: The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure, such as, porches and decks.

For Sale/Rent/Lease Sign: An on-premises sign advertising the property as available for sale, rent or lease.

Forest Management Activities: Includes timber cruising and other forest evaluation activities, pesticide application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands and other similar associated activities, but not the construction, creation or maintenance of land management roads.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation: The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.

Free Standing Sign: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include moveable, portable or trailer type signs.

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas other than forest wetlands, which are:

1. of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and
2. inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Frontage: The linear distance between the sidelines of a lot, measures along the lot line that borders upon whatever right-of-way serves as legal access to the lot. The following ways shall constitute legal access to a lot along which frontage may be measured:

1. A way accepted by or established as belonging to the Town of Naples, Cumberland County or the State of Maine, provided access is not specifically prohibited;
2. A way, whether dedicated to public ownership or not, as shown on an approved subdivision plan;
3. A way which has not been accepted by a governmental unit which was established prior to the effective date of the Maine Subdivision Act (September 22, 1971) and is documented in a plan or deed recorded in the Registry of Deeds; and
4. A private way created by a deeded right-of-way which is a minimum of twenty (20) feet in width, which serves no more than two (2) lots, neither of which shall be part of a subdivision which meets all of the requirements for the district in which it is located, and which meets the following standards for improvement:

The roadway shall be constructed with a minimum of twelve (12) inches of road gravel, shall have a minimum width of the surface of the travel way of sixteen (16) feet, and shall have adequate surface and subsurface drainage.

A private way shall not serve as access to any lot in a subdivision nor shall any private way created after the date of adoption of this

section be offered to the Town for acceptance as a Town way until it is brought up to the standards of the Town of Naples.

In the case of a lot situated on a curve of a way or on a corner of two ways, the measurement of frontage may include the entire length of the property along such a way or ways.

Functionally Water-Dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marina, navigation aides, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Governmental Use: Any property owned, operated or maintained by a municipal, state or federal government, which is used for a government function.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great Pond Classified GPA: Any great pond classified GPA pursuant to 38 M.R.S.A., Article 4-A, Section 465-A. This Section 17 classification includes some, but not all impoundments of rivers that are defined as great ponds.

Gross Floor Area: Equals the length times the width of any building.

Gross Floor Area (regarding aquatic structures): Means the "footprint" which the aquatic structure would make on the earth if viewed from above.

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Height of a Structure: The vertical distance between the mean original (prior to construction) grade at the uphill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas and similar appurtenances, that have no floor area.

Home Occupation: Accessory use conducted within a dwelling or accessory structure by the residents thereof, which is clearly secondary to the dwelling, used for living purposes and does not change the character thereof.

1. Home occupation or office will be managed by a member of the family residing within the dwelling unit. Up to two employees who are not members of the family may be employed in a home occupation, and;
2. The occupation or office will be located wholly within the principal or accessory structures, and;

3. Exterior displays, exterior storage of materials, and exterior indication of the home occupation will not be permitted except for daycares, preschools or the like with not more than 12 clients and home gardening, and;
4. Residential/Home Occupation will be allowed not more than one (1) sign of not more than three (3) square feet, and;
5. Noise, vibration, smoke, dust, electrical disturbance, odors, heat or glare will not be detectable beyond property limits, and;
6. A home occupation shall apply to only the applicant only while the applicant resides at the property.

Hotel: A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities and restaurants.

Identification Sign: A sign giving the name, logo, trademark, or other identifying symbol, the nature or type of business and address of an occupant of the building, business, complex or establishment on the premises where it is located, but containing no other advertising matter.

Illumination Sign: Any sign lit by electric bulbs, florescent or neon tubes. Neon tubes used as abstract, graphic, decorative or architectural elements shall not be considered an illuminated sign.

Impervious Surface: Structures and other man-made improvements to land and material covering the land, which substantially reduce the infiltration of water. Impervious surfaces shall include, but not be limited to, roofs, paved areas, parking lots and driveways, regardless of surface materials.

Increase in Intensity: Any sudden modification of use, which results in the increased traffic flow, increased noise levels or an increase in wastes generated.

Increase in Nonconformity of a Structure: Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions, which in-fill irregularly shaped structures.

Industrial: Connected with the assembling, fabrication, finishing, manufacturing, packaging or processing of goods or the extraction of minerals.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping with a tent, recreational vehicle or otherwise by only one group not exceeding ten (10) individuals and which involves site improvements which may include, but not be limited to, gravel pads, parking area, fire places or tent platforms.

Institutional: A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipality owned or operated building, structure or land used for public purposes.

Landmark Sign: Any sign of artistic or historic merit, uniqueness or extraordinary significance to the Town as identified by the local Historical Society or the Municipal Officers.

Legal Family: Means legal by marriage, adoption or blood relationship.

Legislative Body: Town Meeting.

Library: A place in which literary and artistic materials, such as books and periodicals are kept for reading, reference or borrowing; a collection of reading materials.

Licensee: Shall include the holder of a license issued under any Statute of the State of Maine.

Light Manufacturing: The mechanical or chemical transformation of materials or substances into new products, either finished or semi-finished, and including the assembling of component parts, the manufacturing of products and the blending of materials. All production operations shall occur within a fully enclosed building or structure.

Lot: A legally recorded parcel of land which may either be conforming or legally nonconforming.

Lot Area: The area of land enclosed within the boundary lines of a lot minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.

Manufactured Housing: Means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported by the use of an independent chassis to a building site. (See Maine State Housing Act definition)

Marina: A business establishment having frontage on navigable water and as its principal use, providing for hire offshore moorings or docking facilities for boats and which must also provide accessory services, such as, boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market Value: The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price lists.

Mineral Exploration: Hand sampling, test boring or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral Extraction: Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat or other like material from its natural location and to transport the product removed away from the extraction site.

Minimum Lot Width: The closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mobile Home: Means a structural unit designed for occupancy, constructed in a manufacturing facility and transported by the use of its own chassis to a building site.

Mobile Home Park: An area designed or planned for the placement of two or more mobile homes with design and lot size standards as required in the Naples Subdivision regulation. See also, State Regulation for Mobile Home Parks, Chapter 953.

Mooring: Apparatus placed in the water consisting of an anchor connected to a mooring ball to which a boat can be attached.

Mooring Ball: A device designed to float, is anchored in water and colored white with a single blue horizontal band clearly visible above the water line.

Moveable Sign: A sign designed or constructed so as to be readily moved or relocated, including, but not limited to, portable signs or sandwich signs supported by legs.

Moveable Structure: A structure that is not sitting on a foundation.

Multi-Family Dwelling: A residential structure consisting of three or more attached dwelling units.

Municipal Aquatic Structure: An aquatic structure that is owned by the Town of Naples.

Municipal Facility: A facility that is open to the public, owned or leased by the municipality and operated under its direct supervision, including but not limited to, schools, museums, libraries, offices, garages and parking areas.

Municipality: Town of Naples, Maine.

Museum: An indoor or outdoor facility, public or private, for the preservation of items for antiquity, art or natural history.

Native: Indigenous to the local forests.

Nonconforming Condition: Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time the Shoreland Zoning Ordinance,

Minimum Lot Size Ordinance or the Land Use Ordinance or subsequent amendment took effect.

Nonconforming Lot: A single lot of record, at the effective date of adoption or amendment of the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use Ordinance, which does not meet the area, frontage or width requirements of the district in which it is located.

Nonconforming Structure: A structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use Ordinance or subsequent amendments took effect.

Nonconforming Use: Use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time of the Shoreland Zoning Ordinance, Minimum Lot Size Ordinance, or Land Use Ordinance or subsequent amendments took effect.

Normal High Water Line (non-tidal waters): That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Nursing Home: Any facility, which provides meals, lodging and twenty-four (24) hour nursing care for compensation.

Off-Premises Sign: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

On-Premises Sign: A sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon or advertises the property itself or any part thereof as for sale or rent.

Official Map: Any map adopted by the Municipality.

Official Submittal Date: The time of submission of a Pre-application Plan. Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision shall be considered the submission date of the application for such Plan approval to the Board, complete and accompanied by any required fee and all data required by these standards.

Painted Wall/Roof Sign: A sign painted directly on the surface of a structure.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having joint or common interest, or other legal entity.

Personal Services: Establishment primarily engaged in providing services involving the non-medical care of a person or of his or her apparel, as exemplified by beauty shops, barber shops, shoe repair, photographic studios, coin-operated laundries and similar establishments.

Piers: Docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

1. Temporary: structures, which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
2. Permanent: structures, which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planning Board: The Planning Board of the Municipality created under Title 30, M.R.S.A., Chapter 239, Section 4952 or Chapter 201-A, Section 1917.

Point of Attachment: Means the point on an aquatic structure where the structure is physically attached to an adjacent upland. If an aquatic structure is not attached to the land, the "point of attachment" shall mean the point on the structure closest to the adjacent upland.

national election.

Posting Sign: A sign related to trespassing or hunting, etc.

Preliminary Sub-Division Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Premises: A lot, parcel, tract or plot of land together with the building(s) and structure(s) thereon.

Primary or Legal Residence: A primary or legal residence in a building or dwelling being currently used by the owner as his/her main place of dwelling or home. A person may have only one primary or legal residence.

Primitive Trails: A public or private path or trail, with a tread path no more than three (3) feet in width and an overall clearance of four (4) feet in width, established for walking, hiking, non-motorized biking purposes, snow-shoeing, or cross-country skiing. Primitive trails are not structures if there is no base material used such as, but not limited to, pavement, concrete, gravel or similar material.

Principal Structure: A building other than one, which is, used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal Use: A use other than one, which is wholly incidental or accessory to another use on the same premises.

Private Utility Substation: An area allowing for switching, transferring or transmitting of utilities.

Professional Office: The place of business of, including, but not limited to, doctors, lawyers, accountants, architects, surveyor, banks, psychiatrists, psychologists, counselors and financial advisors, but not including personal services.

Projecting Sign: An outdoor sign which is affixed to a building or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.

Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas and roads which are owned, leased or otherwise operated or funded by a governmental body or public entity.

Public Safety Sign: A sign which has no advertising function but provides information or guidance to the public on potential safety hazards. Examples include: low clearance, high voltage, etc.

Push Cart: A nonmotorized vehicle used for the sale of goods or services with dimensions no greater than forty-eight (48) inches in width, ninety-six (96) inches in length and ninety-six (96) inches in height.

Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Cornish	Charles
Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational Facility: A place designed and equipped for participation in sports, leisure time activities and other customary and usual recreational activities, excluding boat-launching facilities.

Recreational Structures: Any commercial facility used for recreational purposes including, but not limited to, golf courses, driving ranges, batting ranges, tennis courts, swimming pools and amusement rides.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one or more persons and which may include a pick-up camper, travel trailer, tent trailer, camp trailer and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with the State Division of Motor Vehicles.

Refuse: Means all combustible or non-combustible putrescible or non-putrescible solid or liquid wastes.

Replacement Subsurface Wastewater Disposal System: A system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or
2. any existing overboard wastewater discharge.

Residential Buildings: Single family dwellings, duplexes, cluster, apartments and condominiums.

Residential Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period. Recreational vehicles are not residential dwelling units.

Residential Institution: A use providing recreation, counseling education and/or other rehabilitative services where the individuals commonly reside at the facility.

Restaurant: A place where meals are served, for payment, to members of the public. Both sit down and take out operations are included.

Resubdivision: The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Riprap: Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Sanitary Facilities: means toilet, privies, lavatories, urinals, drinking fountains and any service building or room provided for installation and use of these units.

School: Includes parochial, private, public, nursery school, college, university and accessory uses; and shall exclude commercially operated schools of beauty culture, business, driving, music, dance, flight and similar establishments.

Seasonal Dwelling: A dwelling that is not used as a permanent place of residence and occupied continuously for not more than seven (7) months in any calendar year.

Service Business: A business where the primary function shall be, but not limited to, work done for or conferred upon another individual, excluding retail sales of goods and including hotels, motels and bed and breakfasts.

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service:
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises or the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service:
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback-Land: Setbacks are footage requirements for the installation of all structures from the front, rear and side property lines of all lots.

Setback-Water: The nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore Frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the side lot lines with the shoreline.

Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, or river within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline: The normal high-water line, or upland edge of a freshwater wetland.

Significant Wildlife Habitat: Includes habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding area as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery area for Atlantic Sea Run Salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting and feeding and staging areas as defined by the Department of Inland Fisheries and Wildlife.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area.

Street: The word “street” means and includes such ways as alleys, avenues, boulevards, highways, roads, streets and other right-of-ways. The term “street” shall also apply to areas on subdivision plans designated as “street”, etc.

Street Vendor: A person or persons engaged in the outdoor sale of merchandise on a temporary basis and with landowner's permission. The sales area shall be limited to one hundred (100) square feet and the sales display shall not exceed more than ten (10) feet in height with not more than one sales area/display per landowner's street frontage. Street vendors are allowed only in the Commercial Zone and Village District.

Structure: Anything constructed, erected or placed on the ground, which is permanent, temporary or mobile. Structure includes, but is not limited to building, mobile homes, recreational vehicles, commercial vehicles, piers and floats, storage and processing facilities. Boundary walls, fences, flagpoles, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors are not considered structures. Temporary structures are allowed as long as they do not stay a duration of more than one week.

Temporary Structure: Limited to a certain period of time.

Subdivision: A subdivision shall be the division of a tract or parcel of land into three (3) or more lots for the purpose, immediate or future, of lease, sale, development or building, whether this division is accomplished by immediate platting of the land or by sale of the land by metes and bounds. The term subdivision shall include the subdivision of land for non-residential purposes, mobile homes parks and re-subdivision of land.

Subdivision, Major: Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension or the extension of municipal facilities.

Subdivision, Minor: A subdivision containing not more than four (4) lots.

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Wastewater Disposal System: Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Temporary Adjacent Upland Access Structure: Means the portion of the dock, ramp, gangway, bridge, stairs, etc., located above the normal high water mark, which provides access to the aquatic structure.

Timber Harvesting: The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15.P, *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Trail Spur: A primitive trail with no base material that extends towards the shoreline from a recreational trail.

Transportation Service: Businesses, which transport people for a fee, including but not limited to, limousine services, buses, taxicabs, airplanes or trolleys.

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere and only applies to that portion or the tributary stream located within the Shoreland zone of the receiving water body or wetland.

Upland Edge of a Wetland: The boundary between upland and wetland. For the purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Use: Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Vegetation: All live trees, shrubs, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at 4 ½ feet above ground level.

Volume of a Structure: The volume of all portions of a structure enclosed by a roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Wall Sign: A sign, which is attached directly on a building surface with the sign surface parallel rather than perpendicular to the building surface.

Water Body: Any great pond, river, or stream .

Water Crossing: Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines and cables, as well as, maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Watercraft: Shall mean any craft capable of floating on or in the water, with or without power, regardless of size.

Watercraft Parking Facility: Means a privately or publicly owned commercial aquatic structure designed to provide docking space for motorized and unmotorized watercraft on a short-term basis.

Wetland: A freshwater or coastal wetland.

Window Sign: A sign, which is painted or mounted onto a windowpane or hung directly inside the window.

Wholesale Sales: Trade that involves the sale of merchandise to retailers for resale or to industrial, commercial or institutional users.

Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Yard Sale (Garage, Barn Tag, etc): A sale usually conducted out of doors, of new/used goods by a private home or groups of homes, or a non-profit organization or organizations. No more than three (3) consecutive days and not more than forty-five (45) days per year.

**TOWN OF NAPLES
DOG CONTROL ORDINANCE**

Adopted November 2, 1999

Amended February 7, 2002

Amended June 12, 2002

Attested by Town Clerk

Section 1. Purpose

The purpose of this ordinance is to control dogs throughout the Town of Naples in the interest of health, safety and general welfare of its residents.

Section 2. Definitions as used in this Ordinance unless the context otherwise indicates:

- A. "DOG" shall mean both male and female whether neutered or not.
- B. "OWNER" shall mean any person, firm, association or corporation owning, keeping or harboring a dog.
- C. "AT LARGE" shall mean off the premises of the owner and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.
- D. "DANGEROUS DOG" shall mean a dog which has bitten or chased a person who was not a trespasser on the owners premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owners premises, to be put in apprehension of eminent bodily harm; or a dog who has damaged the property of any person.

Section 3. License Required

All dogs kept, harbored or maintained by their respective owners in the Town of Naples shall be licensed and tagged in accordance with the appropriate laws of the State of Maine 7, M.R.S.A. 3921.

Section 4. Disturbing the Peace

It shall be a violation of this ordinance for an owner of a dog to cause or permit such dog to bark, howl, yelp continuously for twenty (20) minutes or intermittently for one (1) hour. However, this provision shall not apply to State licensed kennels operating in the Town of Naples as of the date of this amendment. It shall be a violation of this ordinance for an owner to cause or permit a dog to be a dangerous dog.

Section 5. Running at Large

It shall be a violation of this ordinance for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

Section 6. Confinement of Certain Dogs

Dogs of fierce, dangerous or vicious propensities or in heat shall be properly confined or tied by the owner or keeper in a reasonable manner to prevent harm to the public. If the owners or keepers of fierce, dangerous or vicious dogs or dogs in heat are found in violation of this section, such dogs shall be impounded and not released except on the approval of the Animal Control Officer, and only if all the provisions of the section entitled "Impoundment Fee" have been met.

Section 7. Impounding

Any Police Officer, Animal Control Officer or Constable within the Town of Naples may seize, impound, or restrain any dog violating this ordinance or State law.

Section 8. Impoundment

When impounding any dog, the Animal Control Officer or Police Officer shall, at the time of such impoundment, list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex and general condition of the dog as can be reasonably ascertained.

A copy of this registry shall be furnished to a shelter designated by the Town of Naples with written instructions setting forth conditions under which the dog may be released. When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police officer, or person in control of the Animal Shelter shall make a reasonable effort to notify the owner or keeper if it can be ascertained.

The ultimate disposition of impounded dogs shall be according to Title 7, Sections 3912, 3913 and 3952 depending upon which category the dangerous dog or dog in heat, meets.

Section 9. Impoundment Fees

Owners may reclaim their dog by first licensing, if applicable, according to Town regulation and State law and by paying to the Town a fee of thirty dollars (\$30.00) for each offense. The owner will also be responsible for any additional costs incurred by the animal shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of the dog. All fees to be deposited in the separate account as required by M.R.S.A. 7, Section 3945.

Section 10. Enforcement

There shall be appointed an Animal Control Officer(s) who shall have the prime responsibility for enforcing this Ordinance. Police officers,

Cumberland County Sheriffs and constables of the Town of Naples may also enforce this ordinance.

Section 11. Penalties

Any owner found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and upon conviction thereof shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) to be recovered by a complaint before the Maine District Court, District Nine of Northern Cumberland County. The owner shall also be responsible for the Town of Naples' attorney's fees and costs. All fines collected shall be recovered to the use of the Town of Naples and deposited in a separate account as required by M.R.S.A. Section 3945 (Use and License Fees Retained by Municipalities).

Section 12. Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section 13. Amendments

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

Section 14. Effective Date

This Ordinance shall be in full force and effect when enacted.

Town of Naples
DRIVEWAY/ENTRANCE ORDINANCE

Adopted June 9, 2018

Section 1. Purpose

This Ordinance provides for the review of any driveway and entrances onto a public way for compliance with sound construction and design practices to ensure that traffic safety, drainage, and public improvements are not adversely affected. Provisions shall be made for convenient and safe emergency vehicle access to all buildings and structures at all times. A permit is not required for paving, sealing, or repairs unless the driveway is relocated.

Section 2. Effective Date

This Ordinance shall be effective upon adoption by the Town of Naples.

Section 3. Permit Required

- (a) No driveway, entrance or approach or other improvement within the limits of the right-of-way for any public or approved private road may be constructed, altered or relocated except in accordance with a Driveway Entrance Permit issued by the Town of Naples Road Commissioner upon application.
- (b) The application fee shall be the amount included in the Town's fee schedule. The Board of Selectmen shall determine the application fees based on the Town's average administrative cost to process permit and license applications. These costs shall reflect the Town's estimated costs associated with the permitted or licensed activity including the administrative time for processing the application, any required initial and follow-up inspections, legal and other professional fees and the cost for public notices.
- (c) The Driveway/Entrance Permit shall be valid for a period of twelve months from the date of original issue.
- (d) No entrance, approach or other improvement constructed on the right of way shall be relocated or its dimensions altered without the modification of an existing or new Driveway/Entrance Permit from the Town.
- (e) All permits shall be approved, approved with conditions or denied within fourteen (14) days of receipt of a completed application.

Section 4. Town Held Harmless

The applicant shall hold harmless the Town and its duly authorized agents and employees against any action for personal injury or property damage sustained by reason of the exercise of a Driveway/Entrance Permit.

Section 5. Approval Criteria

(a) General.

Driveways and entrances shall be designed and constructed in accordance with the latest Maine Department of Transportation's Manual for Standard Specifications.

(b) Sight Distance

- 1) All entrances shall be so located such that vehicles approaching or using the entrance will be able to obtain adequate sight distance in both directions along the public or private road or to maneuver safely and without interference with traffic.
- 2) Measurements to determine sight distance shall be made in the proposed entrance at a point ten feet (10') from the edge of the shoulder line with the height of eye four feet (4') above the pavement. The sight distance shall be computed from this point measuring along the roadway to a point where an approaching height of object four feet (4') is first seen.
- 3) Driveway placement shall be such that an existing vehicle has an unobstructed sight distance according to the schedule.

Highway speed (MPH)	Minimum Sight Distance (In feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	570
60	645

(c) Geometry

- 1) If the driveway elevates above the traveled way, then the first 25 feet of the driveway shall be sloped to a negative 3 percent, unless otherwise approved by the Road Commissioner, and constructed to prevent run-off onto the traveled way. If the driveway descends from the traveled way, the first 25 feet of driveway shall not exceed -3 percent slope unless approved by the Road Commissioner.
- 2) The entrance should intersect the traveled way at a horizontal angle of 90 degrees but in no case shall the horizontal angle be less than 75 degrees without approval from the Road Commissioner. The entrance width at the traveled way shall be wide enough to allow emergency vehicles to enter from either direction. Radii for the edge of the driveway for 90-degree intersections shall be 35 feet. Less than 90-degree intersection, radii shall be 35 feet.
- 3) No part of the entrance shall extend beyond the property lot frontage for the lot being served.
- 4) The entrance shall not be located closer than 75 feet to an un-signalized intersection and 125 feet for a signalized intersection.
- 5) The maximum width of the curb cuts for driveways shall conform to the following standards:
 - i. Residential driveway: Maximum 20 feet.
 - ii. Commercial or industrial driveway: Maximum 40 feet.
- 6) Distance between driveways. Distances between driveways shall be measured by the outer edge of the sidewalk or curb, whichever is applicable.

- i. Residential driveways. Residential driveways shall be a minimum distance of ten feet from curb cuts on adjacent lots or driveways unless driveways on two adjacent lots use the same curb cuts.
- ii. Commercial or industrial driveways. All curb cuts for commercial or industrial driveways shall be no less than ten feet from proposed or existing driveways on adjacent lots. Entrances and exit driveways in the same lot on the same street must be provided with a safety island of a width no less than five feet.

(d) Drainage

- 1) Driveways shall be graded to ensure that drainage does not flow onto roadways.
- 2) The Road Commissioner or its designee shall determine the length, diameter, type and depth of cover of any culvert to be installed. Expense for the purchase and installation of specified culvert shall be the responsibility of the applicant.
 - a. Relocation of drainage facilities. Where the positioning of driveways or curb cuts requires the relocation or removal of drainage facilities, such relocation or removal shall be done according to a plan drawn up by the property owner and approved by the Road Commissioner or their designee. In deciding whether to approve a plan for relocation or removal of drainage facilities, the Road Commissioner shall consider:
 - i. The effect of the change on adjacent and down-grade properties;
 - ii. The potential for and probable impact of increased erosion or flooding caused by the drainage change; and
 - iii. Any other pertinent factors relative to human or environmental health or safety.
 - b. Driveway aprons. No driveway apron shall extend into the street line further than the base of the curb, or beyond the gutter line, whichever is applicable.
 - c. Existing walkways. The existing grade of walkways and sidewalks which are crossed by curb cuts shall be maintained as they are, to provide a safe area for people to walk.

(e) Abutting Pavement

New driveways or entrances opening on a paved public right of way shall have its apron paved. A minimum of three feet in depth and the same width as the opening shall be paved to the existing edge of the right of way pavement. The pavement must be completed by a date as specified by the Road Commissioner but not longer than eight (8) months from the date of the issued permit.

(f) Side Slopes

Driveway side slopes and banks shall not be steeper than a slope of two (2) horizontal to one (1) vertical.

(g) Shared Driveways/Entrances

Shared driveways/entrances shall be encouraged for adjacent sites to minimize the number of driveways along an arterial.

Section 6. Enforcement

(a) Road Commissioner

It shall be the duty of the Town of Naples Road Commissioner to enforce this ordinance and determine necessary fines.

(b) Fines

Whoever willfully violates the provisions of this Ordinance shall upon conviction, be penalized in accordance with Title 30-A MRSA § 4452. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500.

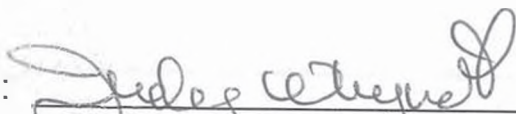
Section 7. Appeals

Whenever a person shall deem themselves aggrieved by an order made by the Code Enforcement Officer or Road Commissioner, the person may file an appeal to the Board of Appeals within ten (10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Board of Appeals, and unless by their authority the aggrieved order is revoked, such order shall remain in force and be forthwith complied with by the person.

Town of Naples Fire & Rescue Department Ordinance

Adopted: June 1, 2015

Attest:



Judy Whynot, Town Clerk

**TOWN OF NAPLES
FIRE & RESCUE DEPARTMENT ORDINANCE**

Section 1. Title.

This Ordinance shall be known as the Town of Naples Fire & Rescue Department Ordinance (the “Ordinance”).

Section 2. Authority.

This Ordinance is enacted in accordance with 30-A M.R.S.A. §§ 3001-3307, as may be amended, and §§ 3151-3157, as may be amended.

Section 3. Purpose.

The purpose of this Ordinance is to:

- (a) establish and organize a municipal fire and rescue department;
- (b) establish appointment procedures and to define the powers and duties of the Fire Chief;
- (c) define the procedures under which the department shall operate; and
- (d) provide for the best protection for the health, safety, property and welfare of the residents of the Town.

Section 4. Establishment.

There is hereby established the Naples Fire & Rescue Department. It shall be a department within the Town.

Section 5. Definitions.

For purposes of this Ordinance, the following terms shall be defined as follows:

- 5.1 “Department” means the Naples Fire & Rescue Department established pursuant to this Ordinance.
- 5.2 “Fire Chief” means the person duly appointed pursuant to this Ordinance who serves as the head of the Department.
- 5.3 “Municipal firefighter” means an active member, whether full-time, part-time or on-call, of the Department who aids in the extinguishment of fires and/or an individual who receives compensation from the Town for aiding in the extinguishment of fires.
- 5.4 “Municipal rescue personnel” means an active member, whether full-time, part-time or on-call, of the Department who aids in providing first aid, emergency treatment and rescue assistance and is qualified to render such aid under current Maine Department of

Health and Human Services regulations governing rescue and ambulance personnel and/or is an individual who receives compensation from the Town for said services.

5.5 “Town” means the Town of Naples.

Section 6. Department Organization and Duties.

6.1 Duties of the Department.

6.1.1 The Department shall provide fire suppression, fire prevention, emergency medical services and other emergency services within the Town and elsewhere as provided by mutual aid or other contractual agreements approved by the Board of Selectpersons.

6.1.2 The Department shall be authorized to provide emergency services by responding to and managing other public safety emergencies, including, but not limited to, hazardous materials incidents or other natural or man-made disasters.

6.2 Fire Chief Position.

6.2.1 Appointment.

The head of the Department shall be the Fire Chief, who shall be selected by the Town Manager, subject to the approval of the Board of Selectpersons. The Town Manager shall solicit a recommendation from the Naples Fire Association prior to making a Fire Chief selection. The Fire Chief shall be subject to the supervision of the Town Manager consistent with the personnel policies established by the Board of Selectpersons.

6.2.2 Term, Compensation.

The Board of Selectpersons shall appoint a Fire Chief for a term of not more than three years. The compensation of the Fire Chief shall be determined by the Board of Selectpersons.

6.2.3 Powers and Duties.

The Fire Chief shall have the duties established by 30-A M.R.S.A. § 3153(2), as may be amended. The Fire Chief shall be responsible for the immediate supervision and operation of the Department and the conduct of Department membership. The Fire Chief may, subject to the approval of the Town Manager, appoint the following officers: Assistant Chief(s), Deputy Chief(s), Captain(s) and Lieutenant(s). Job descriptions for officer positions shall be prepared by the Fire Chief in consultation with the Town Manager. The Fire Chief shall submit an annual written report on the activities of the Department and additional reports when requested and shall discharge such other duties as may be required by the Town Manager.

6.2.4 Rules and Standard Operating Guidelines.

Rules and Standard Operating Guidelines prepared by the Fire Chief shall be reviewed and approved by the Town Manager before becoming effective.

6.2.5 Removal.

The Fire Chief may be removed from the position for cause after notice and hearing consistent with personnel policies established by the Board of Selectpersons.

6.3 Department Personnel.

6.3.1 Municipal firefighters shall have the duties and responsibilities set forth in 30-A M.R.S.A. § 3154, as may be amended. In the absence of the Fire Chief or Deputy Chief, municipal firefighters and municipal rescue personnel shall assume authority in accordance with a chain of command in job descriptions prepared by the Fire Chief in consultation with the Town Manager.

6.3.2 Municipal rescue personnel shall provide emergency medical treatment and rescue assistance to persons in need of such assistance within the Town and elsewhere as provided by mutual aid or other contractual agreements approved by the Board of Selectpersons. Such treatment and assistance shall be provided in accordance with State statutes, Emergency Medical Services protocols, as amended from time to time by Maine Emergency Medical Services.

6.3.3 All appointments, discipline, suspensions and dismissals of members of the Department shall be handled in accordance with the personnel policies established by the Board of Selectpersons.

Section 7. Mutual Aid Agreements.

The Board of Selectpersons is hereby authorized to enter into mutual aid agreements with other municipalities pursuant to 30-A M.R.S.A. § 3156, as may be amended. The Board of Selectpersons shall make its decision as to whether to enter into any such agreement after receiving a recommendation from the Fire Chief submitted through the Town Manager. All such existing agreements are hereby approved and ratified.

Section 8. Naples Fire Association.

8.1 At the time that this Ordinance is adopted, there exists an independent Maine nonprofit corporation called the Naples Fire Association and it shall be cited herein as the Association.

8.2 The Association is not a department of -- nor part of a department of -- the Town, but it is recognized as an independent Maine nonprofit corporation.

8.3 The Association may raise funds from the public for its corporate purposes.

ARTICLE 45

- 8.4 Funds raised by the Association shall remain the property of the Association unless donated to and accepted by the Town by a vote of the Board of Selectpersons.
- 8.5 Equipment, vehicles or facilities purchased by the Association shall remain the property of the Association unless donated to and accepted by the Town by a vote of the Board of Selectpersons or Town Meeting, as applicable.
- 8.6 Equipment, vehicles or facilities owned by the Association shall be clearly marked as Association property.

Section 9. Assets and Funds

- 9.1 All equipment, vehicles, facilities, supplies and other goods purchased with funds appropriated for the Department shall be considered property of the Town.
- 9.2 The Fire Chief shall be responsible for obtaining the goods and services necessary for the proper operation of the Department within the limits of appropriations made for that purpose by the municipal budget. All funds appropriated for the Department shall be treated as municipal funds and no expenditures may be made unless in compliance with all purchasing and disbursement policies and procedures of the Town.
- 9.3 The Department is authorized to apply for and receive grants, provided such applications are approved in advance by the Town Manager.
- 9.4 Gifts, donations, and bequests made to the Department, whether conditional or unconditional, shall be treated as public funds and will only be accepted and used in accordance with the provisions established in 30-A M.R.S.A. §§ 5652-5654, as may be amended.
- 9.5 Gifts, donations and bequests made to the Association may be treated as private funds, to be disposed of as determined by the Association.

Section 10. Supersession, Severability, Amendments and Adoption.

10.1 Supersession.

This Ordinance supersedes and replaces any or all like or comparable ordinances, policies or decisions previously enacted or adopted by the Town, including, without limitation, the Implementation Policy for Fire and Rescue Compensation adopted November 2, 1999, as amended. This Ordinance does not supersede or replace the Town of Naples Emergency Services Ordinance first adopted November 2, 1999. This Ordinance shall remain in effect unless or until it is revoked or superseded in accordance with 30-A M.R.S.A. § 3002, as may be amended.

10.2 Severability.

The invalidity of any portion of this Ordinance shall not invalidate any other part thereof.

10.3 Amendments.

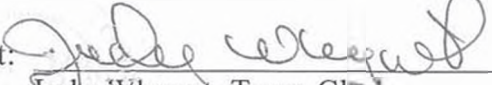
This Ordinance may be amended from time to time in accordance with the provisions of 30-A M.R.S.A. § 3002, as may be amended.

ARTICLE 45

10.4 Adoption.

This Ordinance was submitted to the voters of the Town of Naples and shall be effective upon its adoption by Town Meeting.

ADOPTED: June 1, 2015

Attest: 
Judy Whynot, Town Clerk

Town of Naples

Fire Alarm System Ordinance

Adopted June 8, 2016

Attested by Town Clerk

Attest:


Judy Whynot, Town Clerk

**TOWN OF NAPLES
FIRE ALARM SYSTEM ORDINANCE**

Section 1. Title.

This Ordinance shall be known as the Town of Naples Fire Alarm System Ordinance (the "Ordinance").

Section 2. Authority.

This Ordinance is enacted in accordance with 30-A M.R.S.A. § 3001 *et seq.*, as may be amended.

Section 3. Purpose.

The Town of Naples determines that the health, safety and welfare of residents and property owners of the Town are promoted by establishing appropriate guidelines for the installation of fire alarm systems for notification of the Naples Fire & Rescue Department.

Section 4. Definitions.

Fire Alarm System means a system including any mechanism, equipment or device (i) designed to automatically transmit a signal, message or warning from private premises, including telephonic alarms systems designed to operate automatically through the use of public telephone facilities to the Town of Naples public safety communications system; or (ii) monitored by other private or public agencies which, in turn transmit a signal to the Town of Naples public safety communications system.

Fire Chief means the person duly appointed as the Fire Chief of the Town of Naples.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Section 5. Applicability.

- (a) **New Structures.** The following structures built after June 1, 2016 shall be equipped with an approved fully addressable monitored fire alarm system installed, maintained, operated and transmitted in compliance with the requirements of National Fire Protection Association (NFPA) 72, *National Fire Alarm Code*, most recent edition adopted by the State of Maine Fire Marshal's Office (as of June 1, 2016, the most recent edition is the 2007 edition):

- (i) Commercial and industrial structures that have a gross floor area of 2,000 square feet (s.f.) or greater; provided, however, that any such structure that has no power and no human occupancy is exempt from the requirements of this Ordinance;
 - (ii) Educational structures and structures used as places of assembly; and
 - (iii) Multi-family residential structures comprised of two or more dwelling units and that have a combined gross floor area of 2,000 square feet (s.f.) or more.
- (b) Additions/Renovations to Structures Existing as of June 1, 2016. Additions or renovations to a structure existing as of June 1, 2016 that is the same type of structure set forth in subsection (a)(i)-(iii) above (and excluding commercial and industrial structures that have no power and no human occupancy) shall include equipping the structure with an approved fully addressable monitored fire alarm system installed, maintained, operated and transmitted in compliance with the requirements of National Fire Protection Association (NFPA) 72, *National Fire Alarm Code*, most recent edition adopted by the State of Maine Fire Marshal's Office (as of June 1, 2016, the most recent edition is the 2007 edition) if the structure has a gross floor area of 2,000 square feet (s.f.) or more either before or after the addition/renovation. Any such required fire alarm system shall cover the entire structure, not just the addition/renovation portion.

Section 6. General Requirements.

- (a) The Fire Chief or his/her designee must approve the fire alarm system design and specifications prior to Planning Board approval for those projects requiring Planning Board review and approval and prior to the issuance of a building permit for those projects that do not require Planning Board review and approval. All structures subject to this Ordinance shall have the fire alarm system installed and inspected by the Fire Chief or his/her designee prior to the issuance of an occupancy permit.
- (b) At no time shall anyone besides a certified technician or Town of Naples Fire & Rescue Department representative deactivate, silence, or restore a fire alarm system for any reason.
- (c) Any structure with an automatic fire alarm system or automatic suppression system shall comply with the Town of Naples Key Lock Box Ordinance.
- (d) The Fire Chief or his/her designee must approve any changes in the fire alarm system installation.
- (e) Purchase, installation and maintenance of any required fire alarm system is the sole responsibility of the property owner and/or occupant.

Section 7. Alternatives/Modifications.

- 7.1 The Fire Chief or his/her designee may grant an alternative or modification to these provisions when circumstances arise that makes strict adherence to portions of these provisions impractical.
- 7.2 Requests for alternatives or modifications to these provisions shall be made by the property owner or the owner's agent in writing to the Fire Chief. This request shall

specify the section of these provisions to which an alternatives or modification is sought and a complete explanation of the conditions that make strict adherence impractical. This request shall be submitted prior to review or approval of plans.

- 7.3 Any alternative or modification approved by the Fire Chief or his/her designee shall be in writing and kept on file at the Town of Naples Fire & Rescue Department and the Code Enforcement Office.

Section 8. Malfunctioning System.

The owner or operator of the structure shall immediately notify the Fire Chief or his/her designee when a fire alarm system is not functioning and provide him or her with details pertaining to the plan and time frame to get the fire alarm system fixed. In the event a fire alarm system malfunctions or is rendered inoperable, it must be repaired and returned to operation within thirty (30) days. If the fire alarm system is not repaired within in this 30 day time frame without the owner or operator of the structure obtaining an extension for good cause shown from the Fire Chief or his/her designee, the property may be posted by the Fire Chief or his/her designee as unfit for human occupancy.

Section 9. Violations.

Any person violating any of the provisions of this Ordinance or failing or neglecting or refusing to obey any order or notice of the Fire Chief or his/her designee issued hereunder shall be subject to a penalty as provided herein.

Section 10. Civil Penalties.

Any person who is found to be in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500.00), or as otherwise provided by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each violation of a separate provision of this Ordinance, and each day of violation, shall constitute separate offenses. In addition, if the Town is the prevailing party in an enforcement action, said person shall also be liable for all reasonable expenses incurred by the Town in the enforcement of this Ordinance, including, but not limited to, attorney's fees, and costs. All civil penalties shall inure to the benefit of the Town of Naples.

Section 11. Severability, Amendments and Adoption.

11.1 Severability.

The invalidity of any portion of this Ordinance shall not invalidate any other part thereof.

11.2 Amendments.

This Ordinance may be amended from time to time in accordance with the provisions of 30-A M.R.S.A. § 3002, as may be amended.

11.3 Adoption.

This Ordinance was submitted to the voters of the Town of Naples and shall be effective upon its adoption by Town Meeting.

ADOPTED: June 8, 2016

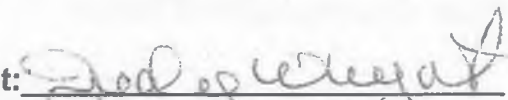
Town of Naples

Key Lock Box Ordinance

Adopted June 8, 2016

Attested by Town Clerk

Attest:



Judy Whynot, Town Clerk

TOWN OF NAPLES KEY LOCK BOX ORDINANCE

Section 1. Title.

This Ordinance shall be known as the Town of Naples Key Lock Box Ordinance (the "Ordinance").

Section 2. Authority.

This Ordinance is enacted in accordance with 30-A M.R.S.A. § 3001 *et seq.*, as may be amended.

Section 3. Purpose.

The Town of Naples determines that the health, safety and welfare of residents and property owners of the Town are promoted by requiring certain structures to have a key lock box installed on the exterior of the structure to aid the Naples Fire & Rescue Department with gaining access to or within a structure when responding to calls for emergency service, and to aid access into or within a building that is secured or is unduly difficult to gain entry to due to being either unoccupied or the occupants being unable to respond.

Section 4. Definitions.

Fire Chief means the person duly appointed as the Fire Chief of the Town of Naples.

Gross floor area means the sum of the gross horizontal areas of the several floors of a building from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Key lock box means a secured box or vault of a size and style approved by the Fire Chief or his/her designee, which contains key(s) for the exclusive use of the Naples Fire & Rescue Department to access the premises in an emergency.

Section 5. Installation Required.

- (a) New Structures. The following structures built after June 1, 2016 shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Chief or his/her designee:
 - (i) Commercial and industrial structures;
 - (ii) Educational structures and structures used as places of assembly; and
 - (iii) All structures, including residential structures, protected by an automatic fire alarm system or automatic suppression system.

- (b) Existing Structures. Additions or renovations to a commercial or industrial structure existing as of June 1, 2016 that has a gross floor area of 2,000 square feet (s.f.) or more either before or after the addition/renovation shall be equipped with a key lock box at or near the main entrance or such other location as required by the Fire Chief or his/her designee.

Section 6. General Requirements.

- (a) The Fire Chief or his/her designee must approve the location, number and style of the key lock box(es) prior to Planning Board approval and prior to the issuance of a building permit for those projects that do not require Planning Board review and approval. All structures subject to this Ordinance shall have the key lock box(es) installed and operational prior to the issuance of an occupancy permit.
- (b) Knox Box© is the preferred lock box system of the Naples Fire & Rescue Department. The size and model of the lock box installed shall be determined by the number of keys to be placed in the box and the specifications set forth by the manufacturer.
- (c) The number of keys in the lock box cannot exceed the maximum number recommended by the manufacturer. Each key must be labeled.
- (d) All property subject to the requirements of this Ordinance with an electronic security gate shall have the lock box installed outside of the gate with the gate access code and required keys inside.
- (e) The Fire Chief or his/her designee must approve any changes in the lock box installation.
- (f) Purchase, installation and maintenance of any required lock box is the sole responsibility of the property owner and/or occupant.

Section 7. Maintenance.

The owner or operator of the structure shall immediately notify the Fire Chief or his/her designee when any locks are added, changed or rekeyed. Additional labeled keys, access cards or access codes shall be added to the lock box immediately if the old keys, access cards or access codes are no longer effective. An inspection and/or telephone inventory of the key lock box may be conducted annually by the Naples Fire & Rescue Department.

Section 8. Violations.

Any person violating any of the provisions of this Ordinance or failing or neglecting or refusing to obey any order or notice of the Fire Chief or his/her designee issued hereunder shall be subject to a penalty as provided herein.

Section 9. Civil Penalties.

Any person who is found to be in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500.00), or as otherwise provided by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each violation of a separate provision of this Ordinance, and each day of violation, shall constitute separate offenses. In addition, if the Town is the prevailing party in an enforcement action, said person shall also be liable for all reasonable expenses

incurred by the Town in the enforcement of this Ordinance, including, but not limited to, attorney's fees, and costs. All civil penalties shall inure to the benefit of the Town of Naples.

Section 10. Severability, Amendments and Adoption.

10.1 Severability.

The invalidity of any portion of this Ordinance shall not invalidate any other part thereof.

10.2 Amendments.

This Ordinance may be amended from time to time in accordance with the provisions of 30-A M.R.S.A. § 3002, as may be amended.

10.3 Adoption.

This Ordinance was submitted to the voters of the Town of Naples and shall be effective upon its adoption by Town Meeting.

ADOPTED: June 8, 2016

TOWN OF NAPLES

LAND USE ORDINANCE

Adopted at Town Meeting June 27, 1998

Revised June 11, 1999

Revised November 2, 1999

Revised June 12, 2002

Revised June 1, 2015

Revised June 9, 2018

Attested: Judy L. Whynot, Town Clerk

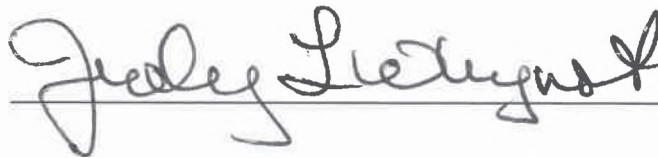


TABLE OF CONTENTS

	Page
SECTION 1 GENERAL	2
SECTION 2 ADMINISTRATION	5
SECTION 3 VILLAGE DISTRICT	12
SECTION 4 INDIVIDUAL PRIVATE CAMPGROUND	15
SECTION 5 ACCESSORY APARTMENTS	15

SECTION 1 GENERAL

A. Title

This Ordinance will be known and cited as the Land Use Ordinance of the Town of Naples, Maine, and will be referred to herein as “this ordinance.”

B. Authority

This ordinance is adopted pursuant to the enabling provisions of Article VII, Part 2, Section 1 of the Maine Constitution, the provisions of Title 30-A, MRSA Sections 4351-4358 (home rule), the States growth management law, Title 30-A, MRSA, Sections 4311 et.seq..

C. Purposes

The purposes of this ordinance are:

1. To implement the provisions of the Town’s Comprehensive Plan;
2. To encourage growth in the identified growth areas of the Community, and to guide growth in the rural areas;
3. To promote and protect the health, safety, and general welfare of the residents of the community;
4. To encourage the most appropriate use of land throughout the community;
5. To promote traffic safety;
6. To promote safety from fire and other elements;

7. To provide an allotment of land in new developments sufficient to allow reasonable growth while maintaining adequate enjoyment of community life;
8. To conserve natural resources;
9. To prevent and control water pollution;
10. To protect fish spawning grounds, aquatic life, bird and other wildlife habitat;
11. To protect buildings and lands from flooding and accelerated erosion;
12. To protect archaeological and historic resources, and to protect the historic character of the Town of Naples;
13. To protect wetlands; to control building sites, placement of structures and land uses; and
14. To conserve natural beauty, rural character, and open space.

D. Applicability

The provisions of this Ordinance will apply to all land and all structures within the boundaries of the Town of Naples in the area depicted on the official Land Use Map of the Town of Naples dated 6/27/98.

E. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation, or statute, including the Naples Shoreland Zoning Ordinance, the more restrictive provision shall apply.

F. Validity and Severability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

G. Effective Date

The effective date of this Ordinance shall be when enacted.

H. Amendments

1. This Ordinance may only be amended by a majority vote of the Town Meeting or by a majority referendum vote.
2. The selectmen shall not place any proposed Land Use Ordinance amendment on the Town Meeting Warrant or on a referendum ballot until the Planning Board has held a public hearing on the proposed amendment. Notice of the public hearing must:
 - a. Be posted in the Town Office at least 14 days before the date of the public hearing.
 - b. Be published at least two (2) times in a newspaper having general circulation in the Town of Naples and that complies with the requirements of Title 1 M.R.S.A. Section 601. The date of the first publication must be at least 14 days before the date of the public hearing. The date of the second publication must be at least 7 days before the public hearing.
 - c. Contain a copy of a map indicating any property proposed to be reclassified.
3. If the proposed amendment includes any change to the Village District boundaries as shown on the Land Use Map of the Town of Naples, owners of property or properties proposed for reclassification, as well as owners of all properties within 500 feet of the area proposed for reclassification, shall be notified of the Planning Board's public hearing date by mail at least 14 days prior to the public hearing date.
4. Following the public hearing, the Planning Board shall recommend approval or denial of the proposed amendment based on its consistency with the purposes, requirements and restrictions of this Ordinance and with the policies and Future Land Use Plan of the Naples Comprehensive Plan.
5. Amendments to the text of this Ordinance, or to the Land Use Map of the Town of Naples may be proposed by the Ordinance Review Committee, the Planning Board, the Board of Selectmen, or by a written petition of the Town citizens. Prior to qualifying to receive a public hearing before the Planning Board, a petition for amendment must be signed by the number of Town citizens equal

in number to ten (10) percent of the local votes cast in the most recent gubernatorial election. A signed petition shall not be required for the Planning Board to hold a public hearing when the Ordinance Review Committee, the Planning Board, or the Board of Selectmen initiate the proposed amendments.

I. General Restrictions

Except as otherwise provided in this Ordinance, no building shall, after the effective date of this Ordinance, or any amendment of this Ordinance, be used or occupied and no building or part thereof shall be erected, relocated, or structurally altered unless it is in conformity with the standards of the Village District, and with all other applicable provisions of this Ordinance.

SECTION 2 ADMINISTRATION

A. Administration

Administrative Bodies and Personnel

1. Code Enforcement Officer The Code Enforcement Officer shall be appointed in accordance with the provisions of State Law and is to enforce the provisions of this Ordinance.
2. Planning Board The Planning Board shall ensure that all applicable standards of this Ordinance are met by all applications requiring Planning Board review under all applicable ordinances.
3. Board of Appeals The Board of Appeals shall be responsible for deciding administrative and variance appeals in accordance with the requirements of subsection H. Appeals.

B. Permits Required

After the effective date of this Ordinance, no building, sign or other structure shall be erected, altered, moved or demolished and no person shall, without first obtaining a building permit and/or certificate of occupancy, engage in any use of land or structure requiring a permit in the district in which said use would occur; or replace an existing use or structure; or renew a discontinued non-conforming use.

1. Building Permits and Certificates of Occupancy The Code Enforcement Officer shall issue building permits and certificates of occupancy as required by this Ordinance.
2. Application Fee An application fee for a building permit or for a certificate of occupancy shall be paid to the Town by the applicant according to an official fee schedule determined by the Board of Selectpersons, copies of which shall be available at the Town Office. Application fees shall be paid by a check payable to the Town of Naples and shall not be refundable. No building permit or certificate of occupancy shall be issued until the fee is paid.

C. Permit Applications

1. Every applicant shall submit to the Code Enforcement Officer a written application form with the application fee for the permit or permits required. The application forms will be provided by the Town.
2. All applications and the first page of any plans or supporting documentation must be signed by the owner or owners of the property, or by such other person authorizing the work, certifying that the information in the application is complete and correct. If the person submitting the application is not the owner or the lessee of the property, then that person must submit a letter of authorization from the owner or lessee.
3. Upon receiving the application for any permit, the Code Enforcement Officer will note the date the application was received on the application form. Within thirty (30) business days, the Code Enforcement Officer shall determine if the proposed use is an allowed use under this Ordinance. If the incorrect form(s) and/or fee(s) have been submitted, or if the proposed use is not allowed by this Ordinance, the Code Enforcement Officer shall notify the applicant in writing of the proper forms and fees which must be submitted, or that the proposed use is not permitted.

D. Procedure for Administering Permits

1. Determination of Complete Application Within thirty (30) business days of the date of receiving a written application, the Code Enforcement Officer shall notify the applicant in writing that the application has been accepted as a complete application, or, if

the application is incomplete, that specified additional material is needed to make the application complete.

2. Timing of Actions The Code Enforcement Officer shall approve, approve with conditions, or deny a permit application within thirty (30) business days of the date of acceptance of the application as a complete application.
3. Approval Permits shall be approved if the proposed use of the structure is found to be in conformance with the purposes and provisions of this Ordinance.
4. Burden of Proof The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
5. Applications Also Requiring Site Plan, Subdivision, or Planning Board Approval Any applicant for a building permit or certificate of occupancy for a use or structure which is subject to review and approval by the Planning Board under the Site Plan Review Ordinance, the Subdivision Ordinance, or any other Town Ordinance shall first apply to the Planning Board for review and approval as required by those ordinances. Upon receiving the applicable Planning Board approvals, the applicant may then submit an application for a building permit or certificate of occupancy. If any Federal or State approvals are required for the project, they must also be obtained prior to submitting the application for a building permit or certificate of occupancy.

E. Expiration of Permits

If no substantial start, as defined in this Ordinance, is made in construction or in use of the property within one year from the date of issuance of a building permit or certificate of occupancy, then that building permit or certificate of occupancy shall lapse and become void.

F. Installation of Public Utility Service

No public utility, water district, sanitary district, or utility company of any kind may install services to any structure located in the Shoreland Zone, or to any lot or dwelling unit in a subdivision as defined by Title 30-A, M.R.S.A., Section 4401, unless a written authorization attesting to the validity and currency of all local permits required by this or any other Town Ordinance has been issued by the Code Enforcement Officer. Following installation of service, the company or district shall forward the

written authorization to the Code Enforcement Officer indicating that the installation has been completed.

G. Enforcement

Enforcement Procedure

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provisions of this Ordinance, or any of the terms and conditions imposed on any permit issued pursuant to this Ordinance are being violated, he or she shall notify in writing the person responsible for such violation and order the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and maintained as a permanent record.
2. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
3. The Code Enforcement Officer shall keep a record of all essential transactions, including applications submitted, permits granted or denied, revocation actions, revocations of permits, appeals, court actions, violations investigated, violations found, and fees collected. In the case of violations, the Code Enforcement Officer shall, on an annual basis, submit a summary of the record of such violations to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.
4. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings that they deem necessary, either legal or equitable, including seeking injunctions of violations and the imposition of civil penalties, that may be necessary to enforce this Ordinance in the name of the Town of Naples. The Municipal Officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations and

imposing fines without court action.

5. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders, allows or conducts any activity in violation of this Ordinance shall be subject to civil penalties and other remedies in accordance with Title 30-A M.R.S.A. Section 4452.

H. Appeals

1. Administrative Body The Naples Board of Appeals as appointed and composed pursuant to the Naples Shoreland Zoning Ordinance, shall decide administrative and variance appeals under this Ordinance and in accordance with Title 30-A, MRSA Section 4353.
2. Powers and Duties
 - a. Administrative Appeals The Board of Appeals shall have the following powers and duties: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance.
 - b. Setback Reduction Appeals Setback reduction appeals are available in the Village District, but the setback variance will be limited to ten (10) percent of the required setback.
 - c. Variance Appeals To authorize variances upon appeal, within the limitations set forth in this Ordinance.
 - 1) Variances may be granted only from dimensional requirements, including frontage, lot area, lot width, structure height and percentage of lot coverage.
 - 2) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - 3) The Board shall allow for disability and handicapped variances that met the requirements of Title 30-A MRSA Section 4353.4-A and 4-B.

- 4) The Board shall not grant a variance unless it finds that:
 - aa) The proposed structure or use would meet the requirements of this Ordinance except for the specific provisions which have created the nonconformity and from which relief is sought; and
 - bb) The strict application of this Ordinance would result in undue hardship. The term “undue hardship” shall mean all of the following:
 - 1} That the land in question cannot yield a reasonable return unless the variance is granted;
 - 2} That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - 3} That the granting of a variance will not alter the essential character of the neighborhood;
 - 4} That the hardship is not the result of any action taken by the applicant, by the owner, by any prior owner, or by anyone with the consent of the owner or any prior owner.
- 5) The Board of Appeals shall limit any variances granted as strictly as possible to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and, in doing so, may impose such conditions for a variance as it deems necessary. The party receiving the variance must comply with the conditions imposed and the failure to comply with any conditions imposed is a violation of this Ordinance.

3. Appeal Procedures

- a. Time Limit An administrative or variance appeal may be submitted to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be submitted within thirty (30) days of the date of the decision appealed.
- b. Written Notice Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - 1) A concise written statement indicating what relief is requested and why it should be granted.
 - 2) A sketch drawn to scale showing lot lines, location of existing buildings and structures along with other physical features of the lot pertinent to the relief requested.
- c. Record of Case Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- d. Public Hearing The Board of Appeals shall hold a public hearing within thirty-five (35) days of its receipt of an appeal request. Notice of the public hearing of each appeal shall be published at least once in a newspaper of general circulation in the Town of Naples at least fourteen (14) days prior to the date of the hearing. Notice of the hearing shall also be mailed to the applicant, the Planning Board, the Municipal Officers, and to the abutting property owners at least fourteen (14) days prior to the hearing date.
- e. Decision by the Board of Appeals
 - 1) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - 2) The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or the Planning Board, or to decide in favor of the applicant on any matter which it is required by this Ordinance to decide.

- 3) The person filing the appeal shall have the burden of proof.
 - 4) Following the public hearing on an appeal, the Board may affirm, affirm with conditions, reverse, or reverse with conditions, the decision of the Code Enforcement Officer or the Planning Board. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or the Planning Board only upon a finding that the decision or failure to act, was clearly contrary to specific provisions of this Ordinance. Whenever the Board of Appeals does not affirm the decision of the Code Enforcement Officer or the Planning Board, the case shall be remanded to the Code Enforcement Officer or Planning Board with instructions.
 - 5) The Board shall decide all appeals within thirty-five (35) days after the close of the public hearing, and shall issue a written decision on all appeals. The Board of Appeals must issue written notice of its decisions to the petitioner, the petitioner's representative or agent, the Planning Board and the Municipal Officers as required by Title 30-A MRSA, Section 2691 (3)(E), and to the Code Enforcement Officer.
 - 6) All decisions shall become part of the public record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.
- f. Appeal to Superior Court Any party may take an appeal, within forty-five (45) days of the date of the vote on the original decision of the Board of Appeals to Superior Court from any order, relief or denial in accordance with Maine Rules of Civil Procedure, Rule 80B.
- g. Reconsideration The Board of Appeals may reconsider any decision reached within thirty (30) days of its prior decision. A vote to reconsider and the action taken on that reconsideration must occur and be completed within thirty (30) days of the original decision. The Board may conduct

additional hearings and receive additional evidence and testimony.

- h. Certificate of Variance A certificate evidencing the variance shall be recorded in the Cumberland County Registry of Deeds within ninety (90) days after it was granted in accordance with the provisions of Title 30-A MRSA, Section 4353, paragraph 5.

SECTION 3 VILLAGE DISTRICT

The Village District is depicted on the Official Town of Naples Land Use Map dated 6/27/98.

A. Permitted Uses

1. Residential Uses:

Single family detached dwellings, which may include manufactured housing, but shall not include mobile homes or doublewides.

Two family dwellings which may include manufactured housing, but shall not include mobile homes or doublewides.

Multi-family dwellings which may include manufactured housing but shall not include mobile homes or doublewides.

2. Commercial Uses:

Retail businesses, street vendors with less than 64 square feet of sales area, pushcarts, service businesses, and professional offices.

3. Municipal and Other Governmental Uses

4. Institutional Uses

5. Mixed Uses Including Home Occupations:

Residential use and non-residential use are permitted on the same lot in the Village District (this includes only those uses otherwise allowed in the Village District).

B. Prohibited Uses

All uses not specifically permitted in Section 3A are prohibited. In addition, commercial towers, new and used motor vehicle sales, unlicensed massage businesses, street vendors utilizing more than 64 square feet of sales area, and any uses prohibited in the Naples Shoreland Zoning Section 15 F are not permitted in the Village District.

C. Standards

The following space and bulk standards shall apply in the Village District:

Minimum lot size for newly created lots:

Residential:	60,000 sq.ft.
Commercial:	40,000 sq.ft.

Minimum lot area per principal non-residential structure:

1. On lots without public water and sewer 40,000 sq.ft.
2. On lots with public water and sewer 15,000 sq.ft.

**** Existing Lots: Reference the Minimum Lot Size Ordinance****

Minimum lot frontage	100 ft.
----------------------	---------

Minimum setbacks:

Front - Non-residential structure	10 ft.
-----------------------------------	--------

Front - Residential structure	20 ft.
-------------------------------	--------

Side - all structures	10 ft.
-----------------------	--------

Rear - Principal Structures	20 ft.
-----------------------------	--------

Rear - Accessory Structures	10 ft.
-----------------------------	--------

Maximum structure height	55 ft.
--------------------------	--------

Maximum lot coverage - total of all building footprints is not to exceed	50%
--	-----

Maximum impervious surface - total of all

impervious non-vegetated surfaces, including
buildings is not to exceed 75%

SECTION 4. INDIVIDUAL PRIVATE CAMPSITES

- A. Within the Shoreland Zone: Individual private campsites not associated with campgrounds are allowed provided the conditions set forth in Section 15(F) of the Shoreland Zoning Ordinance are met.
- B. Outside the Shoreland Zone: Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:
 - (1) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
 - (2) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year in any calendar year, all requirements for residential dwelling units shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.
 - (3) Any recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

SECTION V. ACCESSORY APARTMENTS

The purpose of this Section is to encourage a diversity of housing options that help maintain a viable year round population; provide homeowners with a means of obtaining, through tenants in either the accessory apartment or the single family dwelling, rental income, companionship, security and services; develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in life; and protect neighborhood stability, property values and the single-family residential appearance of the property and the neighborhood by ensuring that accessory apartments are installed under the conditions of this Section.

- A. **Within the Shoreland Zone:** Accessory apartments are prohibited in the Shoreland Zone.

B. Outside the Shoreland Zone: The Code Enforcement Officer may issue a permit for the installation/construction of an accessory apartment provided the following standards and criteria are met:

- (1) The single family dwelling and the accessory apartment must be owned by the same person and may not be sold separately.
- (2) The owner must occupy either the single family dwelling or the accessory apartment as his/her primary or legal residence. Continued occupancy of the accessory apartment upon sale or transfer of the property is conditioned upon the new owner agreeing to the owner occupancy requirement. Transfer of ownership requires a new accessory apartment permit be issued prior to occupancy if the new owner wants to continue the accessory apartment use.
- (3) The accessory apartment shall contain a maximum total floor area of six hundred (600) square feet.
- (4) The accessory apartment shall have no more than one (1) bedroom.
- (5) Accessory apartments are only allowed on conforming lots. The Code Enforcement Officer may require the lot area be established by a survey signed and sealed by a Maine licensed land surveyor.
- (6) Proper ingress and egress shall be provided to the accessory apartment. An entrance leading to a foyer with entrances leading from the foyer to the single family dwelling and the accessory apartment is permitted.
- (7) Only one (1) accessory apartment is allowed per lot.
- (8) An application to the Code Enforcement Officer for an accessory apartment shall be accompanied by the Registration of Accessory Apartment Form available from the Code Enforcement Officer, filled in by all owners of the property. Upon approval of the application by the Code Enforcement Officer, the applicant shall record the Registration of Accessory Apartment Form in the Cumberland County Registry of Deeds within ninety (90) days after the Code Enforcement Officer's approval of the permit, with a copy of the recorded document provided to the Code Enforcement Officer within ten (10) days of it being recorded. Failure to do so shall void the accessory apartment permit, and the approval can only be revived by submission and approval of a new application. If the property containing the accessory apartment is

transferred to another owner or if the owner to whom the accessory apartment permit was issued ceases to occupy the property, the use of the accessory apartment must cease. In the event of a change in ownership of the property, the new owner may continue or resume the use of the accessory apartment by submitting a new Registration of Accessory Apartment Form to the Code Enforcement Officer and recording the new Registration of Accessory Apartment Form in the Cumberland County Registry of Deeds, with a copy of the recorded document provided to the Code Enforcement Officer within ten (10) days of it being recorded. A Registration of Accessory Apartment Form is valid for five (5) years from the date of recording. At the end of the five (5) years, the registration shall lapse and the accessory apartment permit shall expire unless:

- (a) a new Registration of Accessory Apartment Form showing no changes from the previously recorded form is presented to and approved by the Code Enforcement Officer and recorded in the Cumberland County Registry of Deeds within ninety (90) days after the Code Enforcement Officer's approval of the permit, with a copy of the recorded document provided to the Code Enforcement Officer within ten (10) days of it being recorded; or
 - (b) if any of the information on the form has changed, a new permit is obtained from the Code Enforcement Officer and a Registration of Accessory Apartment Form is recorded in the Cumberland County Registry of Deeds within ninety (90) days after the Code Enforcement Officers' approval of the permit, with a copy of the recorded document provided to the Code Enforcement Officer within ten (10) days of it being recorded.
- (9) In order for an accessory apartment to be added to a lot, the lot must comply with the Town of Naples Minimum Lot Size Ordinance and the requirements of the State Minimum Lot Size law, 12 §§ 4807 – 4807-G for multiple unit housing, whichever minimum lot size requirement is larger. The applicant shall have the burden to establish the lot area. The Code Enforcement Officer may require the lot area to be established by a survey signed and sealed by a Maine licensed land surveyor. The wastewater disposal system on the property in question shall be functioning properly at the time of application. In addition, the applicant must submit a new HHE-200 form as documentation that the

existing system can support the addition of an accessory apartment. The HHE-200 form, after review and approval by the Local Plumbing Inspector, shall be recorded by the applicant at the Cumberland County Registry of Deeds at the same time that the Registration of Accessory Apartment form is recorded, with a copy of the HHE-200 form as recorded provided to the Code Enforcement Officer within ten (10) days of it being recorded. Failure to provide a copy of the HHE-200 form to the Code Enforcement Officer within ten (10) days of it being recorded shall void the accessory apartment permit.

- (10) The applicant shall comply with all applicable zoning, building, plumbing, electrical and fire safety codes in effect at the time of permit application.
- (11) One (1) off-street parking space shall be provided for the accessory apartment or as many parking spaces deemed necessary by the Code Enforcement Officer to accommodate the actual number of vehicles used by occupants of both the single family dwelling and the accessory apartment. There shall be no on-street parking associated with an accessory apartment.
- (12) No use, dimensional or other variances shall be granted for installation/construction of an accessory apartment.
- (13) An accessory apartment that complies with the requirements of this Section shall not be considered a dwelling unit.
- (14) If the property is found to be in non-compliance with the standards contained in this Section, the non-compliance shall be considered a violation of this Ordinance and may subject the owner and/or occupant to further enforcement action and possible civil penalties.

Adopted March, 1975
Revised November 29, 1988
Revised March 10, 1990
Revised June 27, 1998 at Town Meeting
Revised November 2, 1999
Revised June 8, 2001
Revised June 11, 2002

TOWN OF NAPLES

NAPLES MINIMUM LOT SIZE ORDINANCE

Naples Lot Size Ordinance for the Town of Naples, Maine Attested by Town Clerk

SECTION 1. PURPOSES

The purpose of this ordinance is to control building sites and land uses for the good and welfare of the community.

SECTION 2. APPLICABILITY

This ordinance applies to all areas of Naples except those zoned as Shoreland, notwithstanding any other provisions of State or local law or regulation.

SECTION 3. EFFECTIVE DATE

The effective date of this ordinance shall be the day after its adoption by Naples Town Meeting. A certified copy of this ordinance shall be filed with the County Registry of Deeds.

SECTION 4. VALIDITY AND SEVERABILITY

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

SECTION 5. AMENDMENTS

No amendment to this ordinance shall be adopted until after the Planning Board of the Town of Naples shall have held a public hearing thereon at least ten (10) days before it is submitted to the

Legislative Body for consideration. Public notice of the hearing shall be made at least ten (10) days prior to such a hearing.

SECTION 6. MINIMUM LOT SIZE REQUIRED

- A.** The minimum lot size for a single-family residential unit outside the two hundred fifty (250) foot Shoreland Zone shall be forty thousand (40,000) square feet. Further, each lot will have a minimum road frontage of one hundred (100) feet.
- B.** If a duplex dwelling unit is constructed on a single parcel, the minimum lot size requirement shall be sixty thousand (60,000) square feet. Further, the lot will have a minimum road frontage of one hundred (100) feet.
- C.**
 - 1. For apartments, condos, and clusters with three (3) or more units, the minimum lot size will be twenty thousand (20,000) square feet per unit with an additional ten thousand (10,000) square feet per unit for a common area. (Including roads) Further, the project will have a minimum road frontage of one hundred (100) feet.
 - 2. All commercial uses or services must meet the land area of the minimum lot size for a single-family residence.
- D.** For a back lot, as defined herein, the lot must conform to the applicable minimum lot size for the proposed use, except for road frontage criteria, which shall be by a right of way of not less than 20 (twenty) feet in width. This provision does not apply to subdivisions approved after 1986.
- E.** Setbacks: The minimum setback for all structures from all boundary lines shall be at least twenty (20) feet.
- F.** The height of any structure located outside of the Shoreland Zone shall not exceed fifty-five (55) feet. "Height of a structure" shall mean: the vertical distance between the original grade at the roadside of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances, which have no floor area.

SECTION 7. NON-CONFORMING USES

- A.** Any lawful use of land not in conformance with the provisions of this ordinance shall be considered to be a non-conforming use.
- B.** Any non-conforming lot of record existing before the effective date of this ordinance may be used in accordance with State law.

C. Setback Reduction Appeals: The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 6.D of this ordinance according to all of the following criteria:

1. Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from Lot boundary lines. Setback reduction appeals shall not be used, and are not available, to reduce required minimum setbacks of structures from bodies of water as provided in this ordinance.
2. Setback reduction appeals may only be granted and are only available for:
 - a. lots in existence as of November 1988;
and
 - b. lots with a residential dwelling as the principal structure.
3. The Board of Appeals shall grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
4. In granting a setback reduction the Board of Appeals may attach reasonable conditions which it may deem necessary to serve the purpose of this ordinance.
5. A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.
6. A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.
7. Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by appeal to less than the following absolute minimum setbacks:

side yard	10 feet
front yard	15 feet
rear yard	15 feet

D. Appeal Procedure:

1. Making an Appeal

- a. Administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the code Enforcement Officer or the Planning Board.

Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Appeals Board, upon showing of good cause, may waive the thirty (30) day requirement.

- b. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

(1) A concise written statement indicating what relief is requested and why it should be granted.

(2) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

- c. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

- d. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

2. Decision by the Board of Appeals:

A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

SECTION 8. VARIANCES

Requests for variances for approval of non-conforming lot dimensions may be submitted to the Board of Appeals.

SECTION 10. ENFORCEMENT

This Ordinance shall be enforced by the Code Enforcement Officer pursuant to Title 30-A, Section 4452, as amended from time to time.

MINOR SITE PLAN REVIEW
ORDINANCE

TOWN OF NAPLES

Adopted: June 21, 2006

Attested by Town Clerk

TABLE OF CONTENTS

SECTION 1.	FINDINGS AND PURPOSE
SECTION 2.	AUTHORITY
SECTION 3.	APPLICABILITY
SECTION 4.	ADMINISTRATION
SECTION 5.	SUBMISSION REQUIREMENTS
SECTION 6.	CRITERIA AND STANDARDS
SECTION 7.	GENERAL PROVISIONS
SECTION 8.	GENERAL REGULATIONS
SECTION 9.	ENFORCEMENT
SECTION 10.	EXPIRATION OF NOTICE OF DECISION
SECTION 11.	VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES
SECTION 12.	APPEALS
SECTION 13.	AMENDMENTS
ADDENDUM	Naples Planning Board 1992 Phosphorus Review Protection Level and Future Area to be Developed (FAD) Level for Lakes and Ponds in Naples.

SECTION 1. FINDINGS AND PURPOSE

The Town of Naples determines that development or land use changes have an effect upon the cost and efficiency of municipal services, upon the environment of the Town of Naples, and upon the general health, safety and welfare of the residents of the Town. Unplanned development may result in increased costs of municipal services. The purpose of this ordinance is to ensure an orderly growth of the Town and to minimize the detrimental effects of that growth which is caused by development, by way of but not limited to: commercial, industrial, retail or institutional buildings, structures and/or uses, campgrounds and mobile home parks.

SECTION 2. AUTHORITY

- A. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A., Section 3001, et seq.
- B. This Ordinance shall be known as the “Minor Site Plan Review Ordinance” of the Town of Naples, Maine, adopted and effective by vote of the Naples Town Meeting, _____ and thereafter amended.

SECTION 3. APPLICABILITY

- A. This Ordinance shall apply to all development proposals and changes of use defined herein in the Town of Naples. Development means and includes:
 - 1. Proposals for new construction of commercial, retail, industrial, utility, institutional and recreational buildings and structures of 1600 square feet or less of floor space or additions of 800 square feet or less of floor space either be addition of units within an existing structure or by expansion of an existing structure or by construction of additional buildings on the same lot. Such requirements of construction shall be cumulative. Review shall be required if the new construction, alteration or addition results in a building or buildings that is 1600 square feet or less of floor space or a total expansion (whether the addition of units within an existing structure or added floor space or added floor space in additional buildings on the same lot) of 800 square feet after June 28, 1997.

- B. A change in use shall mean a change from one type of use requiring site plan review to another use requiring site plan review, such as a change from an office to a retail store or from a retail store to an industrial use or from a retail store to a restaurant. A proposal to change one retail to a different kind of store, such as a change from a drug store to a candy store or a convenience store would not be considered a change in use.
- C. This ordinance does not apply to:
 - 1. Legally existing buildings, structures and uses as they existed and to the extent they were used at the time of adoption of this Ordinance.
 - 2. Fair, bazaars, sales and festivals, temporary in nature, conducted by non profit organizations.
 - 3. All new and existing municipal facilities of the Town of Naples are exempt from Planning Board review, but must meet all of the conditions as specified in the Ordinance and all other town ordinances.

No building permit shall be issued for any use requiring Minor Site Plan Review until the plans, drawings, sketches and other documents required under this Ordinance have been reviewed and approved by the Planning Board.

Construction, site development and landscaping shall be carried out in accordance with the plans, drawings, sketches and other documents approved by the Planning Board unless altered with Planning Board approval. Nothing in this Section shall be construed to prevent ordinary maintenance and improvement of existing structures and facilities.

SECTION 4. ADMINISTRATION

- A. The following procedures and requirements shall apply to all applications for Minor Site Plan Review:
 - 1. Prior to formal application, the applicant or his authorized agent may request a pre-application conference with the Planning Board or its designated staff to discuss the plan and its compliance with town standards. Comments made at such a meeting shall be advisory in nature. The Planning Board may request that the applicant arrange for a site inspection with the Board or one or more individuals appointed by the Board's Chairperson to act as the Board's representative.

2. All applications for Minor Site Plan Review shall be made in writing to the Planning Board secretary on forms provided for this purpose. The application shall be made by the owner of the property or his agent, as designated in writing by the owner, and shall be accompanied by the payment of an application fee to cover the administrative costs of processing the application.
3. The Planning Board shall be empowered to administer applications fees as set by the Selectmen and listed in the Town of Naples Fee Schedule.
4. The Planning Board may require the applicant or his authorized agent to deposit in escrow funds sufficient to cover the costs for any professional review of the site plan documents which the Planning Board determines is reasonable to protect the Town as authorized by the Town of Naples Land Use Fee Schedule. This escrow payment shall be made before the Planning Board engages any outside party to undertake this review and to make recommendations to the Planning Board. Any part of this escrow payment in excess of the final costs for the review shall be returned to the applicant or his agent.
5. At least fourteen (14) days prior to the Planning Board meeting at which the applicant wishes to be heard, the applicant shall submit a letter of intent to appear before the Planning Board.
6. Eight (8) copies of the completed application for Site Plan Review, together with the documentation required in these regulations shall be submitted at least fourteen (14) days prior to the Planning Board meeting at which the applicant wishes to be heard. However, any application, which does not include the documentation required by these regulations, will not be scheduled for review by the Planning Board and shall be returned to the applicant by the Planning Board secretary with an indication of the additional information required.
7. Preliminary review of the application for completeness shall be done by the Code Enforcement Officer. The Planning Board shall be the ultimate authority on the completeness of an application and shall make a finding of fact during its initial review as to whether the application is complete. If the Board finds the application is incomplete, the Planning Board shall inform the applicant of what information is necessary to complete the application.
8. Prior to taking final action on any Minor Site Plan Review application, the Planning Board may hold a public hearing to afford

the public the opportunity to comment on the application. Notice of the date, time and place of such hearing shall be published in a newspaper of local circulation at least ten (10) calendar days prior to the public hearing meeting the requirements of 1 M.R.S.A., Section 60.

9. Within forty-five (45) days after the public hearing or sixty (60) days after receiving a complete application, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
10. When a development is subject both to Minor Site Plan Review and to Subdivision Review, the Planning Board shall conduct a concurrent review. Procedures of the Subdivision Ordinance shall be used. Criteria and standards of the Site Plan Review Ordinance shall be employed in addition to the requirements improvements and standards of the Subdivision Ordinance.

SECTION 5. SUBMISSION REQUIREMENTS

A formal application for Minor Site Plan Review shall contain at least the following exhibits and information:

- A. A fully executed and signed copy of the application for Site Plan Review; and, eight (8) copies of a site plan drawn at a scale sufficient to allow review of the items listed under Criteria and Standards:
 1. Owner's name, address and signature.
 2. Name and addresses of all abutting property owners plus a description of the project, to be used by the Planning Board to notify the abutters by certified mail of the proposed project, proof of mailing receipts to be kept on file at the Town Office. Owners of abutting properties shall be those listed in the most recent tax records of the Town of Naples.
 3. Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts.
 4. The location of all building setbacks as required by the Town Ordinances.

5. The location, size and character of all signs and exterior lighting.
 6. The lot area of the parcel, street frontage and the Town Ordinances requirements for minimum lot size and frontage.
 7. The location of all existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements and landscaping.
 8. The location of all buildings within fifty (50) feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
 9. All surface water features within 500 feet of the project boundaries, including perennial streams and wetlands.
 10. A list of waivers of any town requirements or ordinance provisions requested.
 11. A statement from the Fire Chief that the property is accessible by present fire apparatus and detailing any additional on-site fire protection facilities required.
 12. Drainage plan to describe the location and size of road culverts, road and other similar features.
- B. Copies of any proposed or existing easements, covenants and deed restrictions.
- C. Copies of all required state approvals and permits, provided however, that the Planning Board may approve site plans subject to the influence of specific state licenses and permits in cases where it is not feasible for the applicant to obtain at the time of Site Plan Review.

The Planning Board may waive any of these requirements when the Board determines that the scale or nature of the project is of a size that makes the information unnecessary.

SECTION 6. CRITERIA AND STANDARDS

The following criteria and standards are to be used by the Planning Board in judging applications for Minor Site Plan Review and shall serve as minimum requirements for approval of a site plan. In all instances, the burden of proof shall be on the applicant to demonstrate compliance with each standard.

A. Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation when and where desirable, and keep any grade changes in character with the general appearance of neighboring areas. Existing vegetation, buffering, landscaping and building siting are potential methods of preserving in a natural state.

B. Relation of Proposed Building to the Environment: proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity, which have a visual relationship to the proposed building. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type and drainage courses.

Architectural features of the proposed structures shall be considered for all developments fronting on Route 302 from the fire station to the Crooked River Bridge to conform as close as practical to existing structures in the surrounding area.

C. Vehicular Access: The proposed layout of access points shall be designed so as to avoid adverse impact on existing vehicular and pedestrian traffic patterns.

D. Parking and Circulation: The facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.

E. Advertising Features: The size, location, design, color, texture, lighting and material of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

F. Special features: The Planning Board may require buffer zones between commercial properties where differences in the use of the properties or the natural features of the properties make buffers appropriate. All buffers and screening must be maintained indefinitely by the property owner.

G. Exterior Lighting: All exterior lighting shall be designed to minimize adverse impact on neighboring properties and public ways.

H. Emergency Access: Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.

I. Environmental Considerations: Adequate provision shall be made to control noise, vibrations, smoke, heat, glare, fumes, dust, toxic matter, odors and electromagnetic interference generated by proposed uses or activities on the site such that these impact shall not be readily detectable at any point along lot lines so as to produce a public nuisance or hazard.

SECTION 7. GENERAL PROVISIONS AND REGULATIONS

- A. The Planning Board may modify or waive any of the application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town. If any waivers or exceptions are granted they must be listed on the final plan.
- B. Any proposed development shall be in conformity with the provisions of all local codes or regulations or any State Law which the municipality is responsible for enforcing.

SECTION 8. ENFORCEMENT

- A. Nuisances. Any violation of this Ordinance or any condition placed on a site plan approval shall be deemed to be a nuisance.
- B. Permit Required. No person shall engage in any use of land requiring a permit under the provisions of this Ordinance after the effective date of this Ordinance without first obtaining the required permit.
- C. Code Enforcement Officer. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement officer shall find that any provision of this Ordinance or any condition of site plan approval is being violated, he or she shall notify by registered mail the person or persons responsible for such violation, indicating the nature of the violation and order the action necessary to correct it, including discontinuance or illegal use of land, buildings, or structures, and abatement of nuisance conditions and establishing a date by which the action shall be taken, provided that if reasonable progress is being made to comply, the Code Enforcement Officer may extend the deadline for compliance. A copy of such notices shall be maintained as a permanent record.

- D. Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the Code Enforcement Officer, are hereby required to institute any and all actions for injunction of violations and the imposition of fines, that may be necessary to enforce the provisions of this Ordinance in the name of the Town.
- E. This Ordinance is a land use ordinance and shall be enforced in the manner specified in 30-M.R.S.A., Subsection 4452. Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall upon conviction be punished by a fine of not less than \$100 nor more than \$2,500, and each day on which such violation(s) continue shall constitute a separate offense. The failure to comply with any condition imposed on a Site Plan Approval by the Planning Board shall be deemed a violation of this Ordinance.

SECTION 9. EXPIRATION OF NOTICE OF DECISION

- A. Following the issuance of a Notice of Decision, if no substantial start is made in construction or in the use of the property within one year of the date of the Notice, the Authority granted in the Notice of Decision shall lapse and become void. One-year extensions may be granted by the Planning Board, in its sole discretion, only upon written application by the owner of the property.

SECTION 10. VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES

- A. Validity and Separability. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- B. Conflict with Other Ordinances. Whenever the requirements of this Ordinance are inconsistent with the requirement of any other ordinance, code or statute, the more restrictive requirement shall apply.

SECTION 11. APPEALS

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or to any abutting landowner or other aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, any abutting landowner, or

other aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days after the Planning Board's decision is rendered. The Board of Appeals may reverse the Planning Board's decision after holding a public hearing, and upon application therefore, may grant a variance upon making a finding or undue hardship as defined in 30-A M.R.S.A. §4353(4). Public hearings shall be held according to Title 30-A, M.S.R.A., Section 2691.

SECTION 12. AMENDMENTS

This ordinance may be amended by a majority vote at any town meeting.

NAPLES PLANNING BOARD

**1992 PHOSPHORUS REVIEW
amended 11/06/01**

LAKE LEVEL	PROTECTION LEVEL	FAD
AREA	LBS / ACRE / YR	% DEV
SEBAGO	.50	35%
PEABODY	1.0	35%
BRANDY	.75	35%
HOLT	1.25	35%
LONG	.75	35%
TRICKEY	.50	35%
COLD RAIN	1.0	35%

THE ABOVE NUMBERS REPRESENT THE COMBINATION OF THE DISCUSSIONS BETWEEN THE PLANNING BOARD AND THE DEP, LEA, PWD AND GEORGE SAWYER.

As adopted by the Naples Planning Board
on January 5, 1993

Current phosphorus control standards are on file with the Code Enforcement Officer.

**ORDINANCE ADOPTING A MORATORIUM ON RETAIL
RECREATIONAL MARIJUANA**

TOWN OF NAPLES

Adopted: June 9th, 2018

A true copy, attest:

Judy Whynot, Town Clerk

TOWN OF NAPLES, MAINE

**ORDINANCE ADOPTING A MORATORIUM ON
RETAIL RECREATIONAL MARIJUANA**

SECTION 1. RECITALS

W HEREAS, the legislative body of the Town of Naples, Maine (the “Town”) makes the following findings:

1. The Marijuana Legalization Act (the “Act”) was approved by Maine voters in November 2016 and has been codified in the Maine Revised Statutes in Title 7, chapter 417; and
2. The unregulated location and operation of “Retail Marijuana Establishments” and “Retail Marijuana Social Clubs,” as defined in chapter 417 of Title 7 of the Maine Revised Statutes, as well as other types of retail recreational marijuana activity within the Town, raises legitimate and substantial questions about the impact of such activity, establishments, and social clubs on the Town, including questions as to compatibility with existing land uses and development in the Town; potential adverse health and safety effects on the community, the possibility of illicit sale and use of marijuana and marijuana products to and by minors, and the possibility of unlawful use of marijuana and marijuana products; and
3. As a result of the foregoing issues, retail recreational marijuana activity and the location and operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs within the Town have potentially serious implications for the health, safety and welfare of the Town and its residents; and
4. The Town currently has no regulations governing retail recreational marijuana activity, Retail Marijuana Establishments, and Retail Marijuana Social Clubs, and existing ordinances are insufficient to prevent serious public harm that could result from unregulated Retail Marijuana Establishments, Retail Marijuana Social Clubs, and other types of retail recreational marijuana activity; and
5. An overburdening of public facilities and resources, including public safety resources, is a reasonably foreseeable result of Retail Marijuana Establishments, Retail Marijuana Social Clubs, and other types of retail recreational marijuana activity in the Town; and
6. The state’s regulatory structure is unknown at this time, as the Maine Legislature and state agencies have not developed final regulations governing Retail Marijuana Establishments and Retail Marijuana Social Clubs, and further legislative amendments are being contemplated; and
7. The Town needs a reasonable period of time to prepare and adopt amendments to its ordinances and regulations in order to prevent serious public harm from unregulated Retail Marijuana Establishments, Retail Marijuana Social Clubs, and other types of retail recreational marijuana activity and to address the reasonably foreseeable impacts of such proposed or anticipated development and activity on public facilities; and
8. Pursuant to 30-A M.R.S. § 4356, the Town may adopt a moratorium ordinance on Retail Marijuana Establishments, Retail Marijuana Social Clubs, and other types of retail recreational marijuana activity.

NOW, THEREFORE, BE IT ORDAINED by the voters of the Town of Naples, Maine, in Town Meeting assembled, as follows:

SECTION 2. MORATORIUM

The Town does hereby declare a moratorium on all retail recreational marijuana activity and the location, operation or licensing of any and all “Retail Marijuana Social Clubs” and “Retail Marijuana Establishments,” as defined in 7 M.R.S., chapter 417, including but not limited to: retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities within the Town. Further the Town does hereby declare a moratorium on all wholesale growing & processing production.

No person or organization shall engage in any retail recreational marijuana activity or develop or operate a Retail Marijuana Establishment or Retail Marijuana Social Club or wholesale growing & processing production within the geographic boundaries Town for the duration of this moratorium. No officer, official, board, agency, or employee of the Town shall accept, process, issue, approve, deny, or in any other way act upon any application for a license, permit, or any other type of land use approval related to a Retail Marijuana Establishment, Retail Marijuana Social Club, or retail recreational marijuana activity for the duration of this moratorium.

SECTION 3. DATE OF APPLICABILITY

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, this moratorium shall govern and apply to all proceedings, applications, and proposals related to a Retail Marijuana Establishment, Retail Marijuana Social Club, or retail recreational marijuana activity that were or are pending before any officer, official, board, agency, or employee of the Town on or at any time after **January 8, 2018** (the “Date of Applicability”).

SECTION 4. EFFECTIVE DATE; DURATION

This moratorium shall take effect immediately upon its adoption by the voters of the Town (the “Effective Date”) and shall remain in full force and effect for a period of 180 days from the Date of Applicability or until this moratorium is extended or repealed, whichever shall occur first.

SECTION 5. MEDICAL MARIJUANA ACT

This moratorium does not limit the privileges or rights afforded by the Maine Medical Use of Marijuana Act (22 M.R.S. §§ 2421 – 2430-B) to qualifying patients, primary caregivers, or registered dispensaries, including cultivation facilities associated with any of those classifications.

SECTION 6. CONFLICTS/SAVINGS CLAUSE

Any provisions of the Town’s ordinances or regulations that are inconsistent or conflicting with the provisions of this moratorium are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this moratorium is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision herein.

SECTION 7. VIOLATIONS

If any retail recreational marijuana activity is conducted, or Retail Marijuana Establishment or Retail Marijuana Social Club is established in violation of this moratorium, each day of any continuing violation shall constitute a separate violation of this moratorium and the Town shall be entitled to all rights available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to fines and penalties, injunctive relief, and reasonable attorney fees and costs in prosecuting any such violations.

**ORDINANCE ADOPTING A MORATORIUM TO
PROHIBIT THE REDUCTION OF COMMERCIAL,
BUSINESS AND RETAIL SPACE AND USES IN
THE VILLAGE DISTRICT**

TOWN OF NAPLES

Adopted: June 9th, 2018

A true copy, attest:

Judy Whynot, Town Clerk

TOWN OF NAPLES, MAINE

ORDINANCE ADOPTING A MORATORIUM TO PROHIBIT THE REDUCTION OF COMMERCIAL, BUSINESS OR RETAIL SPACE AND USES IN THE VILLAGE DISTRICT

SECTION 1. RECITALS

WHEREAS, the legislative body of the Town of Naples, Maine (the “Town”) makes the following findings:

1. The Town of Naples relies upon the designated Village District and the commonly known area called the Downtown as the keystone economic generators for a viable local economy. If the land uses in those areas experience changes of use to residential, it is expected that the ability of Naples to attract the necessary customers and tourists whose discretionary expenditures would be limited in this District thereby causing a further decline in revenues to remaining business, retail and commercial activities, ultimately leading to a demise of the downtown and village districts; and
2. The Town of Naples continues to experience changes of commercial uses in its downtown that could adversely affect the long term viability of the downtown and of the Village District through poor planning and use of existing properties that may be converted to non-commercial or retail space; and
3. As a result of the foregoing issues, the Board of Selectmen have determined that appropriate strategic planning is necessary so that changes in commercial, business and retail uses can be complimented with residential uses and thereby support a viable future economic base for the community as a whole; and
4. The Town currently has no regulations governing the potential of conversions from retail, business and commercial uses to residential uses. The absence of such a land use ordinance is considered as a threat and devastation to the long term viability of the Naples economy; and
5. Such an outcome is not in the best interest of the Downtown, the Village District or to the community at large creating an extraordinary tax burden upon the balance of all property owners in the Town of Naples.
6. The Town needs a reasonable period of time to prepare and adopt amendments to its ordinances and regulations in order to prevent serious public harm from the unregulated conversions from commercial, business or retail spaces and uses to a blend that incorporates residential uses in accordance with appropriate economic and community development planning standards; and

7. Pursuant to 30-A M.R.S. § 4356, the Town may adopt a moratorium ordinance governing such conversions and land use opportunities.

NOW, THEREFORE, BE IT ORDAINED by the voters of the Town of Naples, Maine, in Town Meeting assembled, as follows:

SECTION 2. MORATORIUM

The Town does hereby declare a moratorium on all conversions of commercial, retail and business spaces and use with exceptions in this ordinance, to avoid adverse impacts to the Town's Village District and Downtown.

No person or organization shall propose any demolition and/or reconstruction, renovation or improvements to any commercial, retail or business spaces or uses located in the geographic boundaries of the Village District and Downtown and abut Rt. 302 and are within '350 feet from the State of Maine highway right of way, and replace it with residential uses except as noted in this ordinance, for the duration of this moratorium. No officer, official, board, agency, or employee of the Town shall accept, process, issue, approve, deny, or in any other way act upon any application for a license, permit, or any other type of land use approval related to a conversion except as noted for the duration of this moratorium.

SECTION 3. DATE OF APPLICABILITY

Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, this moratorium shall govern and apply to all proceedings, applications, and proposals related this moratorium prohibiting the reduction of commercial, business and retail spaces and uses in the Village District. Any conversion of commercial, business retail or business space or uses that were or are pending before any officer, official, board, agency, or employee of the Town on or at any time after **June 9, 2018** (the "Date of Applicability") shall come under this date of applicability.

SECTION 4. EFFECTIVE DATE; DURATION

This moratorium shall take effect immediately upon its adoption by the voters of the Town (the "Effective Date") and shall remain in full force and effect for a period of 180 days from the Date of Applicability or until this moratorium is extended or repealed, whichever shall occur first.

SECTION 5. EXCEPTIONS

This moratorium does not limit the privileges or rights afforded to any person or organization that proposes to develop the subject property by demolition and/or reconstruction, renovation or improvements to any commercial, retail or business building or property located within the geographic boundaries of the Village District and Downtown if any of the exceptions below are met:

- The owner of a commercial property or their agents or lessees may propose new construction, renovations of existing commercial or residential properties or the demolition of said structures so long as the first floor of any replacements, renovations or new construction serves solely as a business, retail or commercial use. For the purpose of this ordinance business, retail and commercial uses include motel and hotel establishments. Motel and hotel construction or renovations must have at a minimum, twelve lodging units whether they be one or multiple bedroom units. Upper floors may be proposed as business, retail, commercial or residential uses subject to current planning, building or other land use codes at the time of the application.
- Other than first floor restrictions for business, retail and commercial uses, the upper floors for any residential use may include but not be limited to single family short term or long term rental apartments, condominiums, bed and breakfast or nightly residential rentals.
- Any use or property that lie outside of the delineation along Rt. 302 and are outside the set back of 350' feet as measured from the State of Maine highway right of way, are not affected by this ordinance.
- All proposals must meet the necessary off-street parking requirements as well as all life safety code, building and health codes and any other occupancy code requirements in effect at the time of the application to the Planning Board.

SECTION 6. CONFLICTS/SAVINGS CLAUSE

Any provisions of the Town's ordinances or regulations that are inconsistent or conflicting with the provisions of this moratorium are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this moratorium is declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision herein.

SECTION 7. VIOLATIONS

If any conversion of business, retail or commercial space or use occurs during the moratorium, the Town of Naples retains the right to assign a violation and penalties against the property owner or their agent. Further, if such a violation of this moratorium occurs, each day of any continuing violation shall constitute a separate violation of this moratorium and the Town shall be entitled to all rights available to it pursuant to 30-A M.R.S. § 4452, including, but not limited to fines and penalties, injunctive relief, and reasonable attorney fees and costs in prosecuting any such violations.

TOWN OF NAPLES

OUTDOOR ENTERTAINMENT ORDINANCE

Adopted at Town Meeting June 27, 1998

Amended June 11, 2002

Attested by Town Clerk

ARTICLE 1 - TITLE, PURPOSE AND DEFINITIONS

Section 1.1 TITLE

This ordinance may be known as and cited as the Town of Naples Outdoor Entertainment Ordinance

Section 1.2 AUTHORITY

This Ordinance is enacted pursuant to the authority granted in Title 22 Section 1601 et seq. of the Maine Revised Statutes and the home rule power conferred by Article VIII part Second of the Maine Constitution and Title 30-A, Sections 2102, 2109 and 3001 of the Maine Revised Statutes

Section 1.3 PURPOSE

It is recognized that a mass outdoor gathering in the Town of Naples, whatever the duration, may create a hazard to public health, safety and welfare. Accordingly, the purpose of this ordinance is to control mass outdoor gatherings and outdoor entertainment in order to protect the public health, safety and welfare of the people of Naples and to protect the Town's environment.

ARTICLE 2 - GENERAL

Section 2.1 PERMITS

Section 2.1.1 No outdoor entertainment shall be allowed on the grounds of any business establishment in the Town of Naples unless a permit has been approved by the Naples Planning Board. No outdoor entertainment sponsored by a business establishment will be allowed anywhere in the town of Naples unless a permit has been approved by the Naples Planning Board. No outdoor entertainment for which admission is charged will be allowed anywhere in the Town of Naples unless a permit has been approved by the Naples Planning Board. Non-profit organizations that have been based in the Town of Naples for at least one year do not have to obtain a permit, but are subject to all other requirements of this ordinance.

Section 2.1.2 Permits may be granted on an annual basis renewable yearly if the entertainment event occurs twelve or more times a year. Permits may be granted on a per event basis for entertainment events that occur fewer than twelve times a year.

- Section 2.1.3** Before issuing a permit the Planning Board shall determine that the proposed outdoor entertainment will not adversely affect the comfort, convenience, safety, health and welfare of the people of Naples and the protection of its environment. Factors that will be considered in making that determination shall include hours of performance, adequacy of sanitary facilities, security, and parking facilities, impact on traffic, impact on public safety, and any other conditions deemed necessary to assure the comfort, convenience, safety, health and welfare of the people of Naples and the protection of its environment.
- Section 2.1.4** Applications for all Outdoor Entertainment Permits shall be submitted in writing to the Planning Board Secretary together with a non-refundable permit fee of \$200 for an annual permit. Any establishment that has a Special Entertainment License will be given a credit of seventy-five dollars (\$75.00) toward the two hundred-dollar (\$200.00) permit fee. A one-day event permit will cost twenty-five dollars (\$25.00) plus the cost of Public Notices and the cost of notices to abutters. Applications for Outdoor Entertainment Permits shall include the name of the applicant, the name of the business establishment that is sponsoring or hosting the event, the location upon which the event will take place, a general description of the event, and the names and mailing addresses of all owners of property abutting the property where the event will take place.
- Section 2.1.5** The Planning Board shall not issue a permit for outdoor entertainment unless the standards of this Ordinance have been met and the premises to be used for the event and the event itself will be in compliance with all ordinances, articles, bylaws, appropriate safety codes, rules and regulations of the Town of Naples and State Law. The Planning Board shall make a decision on an outdoor entertainment permit application within 30 days of receiving a completed application. If the permit is denied, the applicant shall be provided, in writing, with the reasons for the denial.
- Section 2.1.6** Any applicant who has been denied a permit or whose permit has been revoked, may, within thirty days of the denial or revocation appeal the decision to the Naples Board of Appeals as defined in 30-A.M.R.S.A. § 2691. The Board of Appeals may grant or reinstate the permit if it finds that the applicant meets all the criteria of this ordinance, or if the denial or revocation was arbitrary or capricious, or if the denial or revocation was not based on a violation of any Naples ordinance, article, bylaw, rule or regulation, or of State Law.

ARTICLE 3 ENFORCEMENT, PENALTIES, SEPARABILITY AND EFFECTIVE DATE

Section 3.1 ENFORCEMENT AND PENALTIES

This ordinance shall be enforced by the Cumberland County Sheriff's Department Pursuant to 30-A M. R. S. A. § 107 and the contact for law enforcement services between the Town of Naples and Cumberland County Commissioners. Any person who violates any provision shall be subject to a penalty of not less than one hundred dollars (\$100.00) and not more than twenty-five hundred dollars (\$2,500.00) for the first violation.

Subsequent violation shall be subject to a penalty of not less than one hundred dollars (\$100.00) and not more than five thousand dollars (\$5,000.00). Each day that such a violation exists shall constitute a separate violation. The Town of Naples shall be entitled to recover its costs including attorney's fees, if it prevails. All fines shall be payable to the Town of Naples.

Section 3.2 REVOCATION

The Planning Board may either revoke the annual permit or may refuse to issue subsequent annual or per event permits of any person upon finding that the permit holder has violated one or more of the conditions of its Outdoor Entertainment Permit or of the Planning Board finds that the violations are likely to occur again in future mass gathering events sponsored by the permit holder. The Planning Board may revoke a permit only after the permit holder has been given notice and an opportunity to be heard. The permit holder must receive notice of the proposed revocation at least fourteen (14) days prior to the revocation hearing. The Planning Board may shorten the time period prescribes in this Section 3.2 for a per-event permit if the Board finds that an emergency posing and imminent threat to the public health, safety or welfare exists and required immediate action.

Section 3.3 SEPARABILITY

The invalidity of any provision of this ordinance shall not invalidate any other provision.

Section 3.4 EFFECTIVE DATE

The effective date of this ordinance shall be when enacted by the Town of Naples, Enacted on June 27, 1998.

Town of Naples**ORDINANCE RESTRICTING VEHICLE WEIGHT ON POSTED WAYS**

Adopted June 9, 2018

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Naples which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

Section 2. Definitions

Except as otherwise provided herein, the definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

Pursuant to 29-A M.R.S.A. § 2395, the notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way.

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

- The following vehicles are exempt under State law: Any vehicle delivering home heating fuel or organic animal bedding and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought

emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4-A).

- Frozen road exemption: This ordinance shall not apply to any restricted road which is frozen. The highway is considered “frozen” only when the air temperature is 32° F or below and no water is showing in the cracks of the road. Both conditions must be met.
- The following vehicles are also exempt under the specific provisions of this ordinance:
 1. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
 2. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment. It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.
 3. Maine DOT vehicles or other vehicles authorized by Maine DOT or a municipality or county to maintain the roads under their authority.
 4. Authorized emergency vehicles as defined in 29-A M.R.S.A. § 2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or fewer under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
 5. Any two axle vehicles registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any of the Special Commodities may operate without a permit. Special Commodities includes any of the following:
 - a. Home delivered heating fuel (oil, gas, coal, stove size wood that is fewer than 36” in length, propane and wood pellets);
 - b. Petroleum products;
 - c. Groceries;
 - d. Bulk milk;
 - e. Bulk feed;
 - f. Solid waste;
 - g. Organic animal bedding;
 - h. Returnable beverage containers;
 - i. Sewage from private septic tanks or porta-potties; or
 - j. Medical gases.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge

notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- a) no other route is reasonably available to the applicant;
- b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- c) the applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- a) the gross registered weight of the vehicle;
- b) the current and anticipated condition of the way or bridge;
- c) the number and frequency of vehicle trips proposed;
- d) the cost and availability of materials and equipment for repairs;
- e) the extent of use by other exempt vehicles; and
- f) such other circumstances as may, in their judgment, be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee [such as road commissioner, code enforcement officer or law enforcement officer].

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments

This Ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.



Shoreland Zoning Buffer Protection Standards Naples, Maine

The following standards apply within the shoreland buffer area (within 100 feet of the normal high water mark of all lakes and rivers, within 75 feet of the normal high water mark of zoned streams and within 75 feet of the upland edge of zoned wetlands). See the official Shoreland Zoning Map for individual for exact boundaries.

- One winding footpath of no more than six feet in width is allowed for each lot or for each 200 feet of shoreline frontage.
- Structures are not allowed within the buffer area. This prohibition includes storage buildings, boat houses, patios, decks, tents and any portion of a dock extending above the normal high water line.
- Bushes can be trimmed down to three feet in height. All existing vegetation under 3 feet in height cannot be removed or damaged.
- In the off-season, docks should be stacked on the footpath to avoid damage to buffer vegetation.
- Fill cannot be brought into the buffer except for path construction or to re-vegetate bare ground as part of an approved re-vegetation plan.
- Trees can be limbed up to one-third of their height.
- Openings or view corridors in existence prior to Dec. 16, 1991 can be maintained but not enlarged.
- Footpaths must be winding in order to provide opportunities for runoff to disperse into the buffer. They cannot be constructed so as to create a view corridor.
- Openings that have "closed" with growth of woody vegetation cannot be "re-opened".
- Grand fathered buildings within the buffer may be expanded if the expansions are no closer to the water body than the original structure. Such expansions of floor area and/or volume are limited to 30% of the floor area and volume in existence as of January 1, 1989.
- Before any construction begins, pre-construction photos should be taken. Silt fence must be properly installed at the upland extent of the buffer area and below any construction.
- No disturbance of the ground cover (including the duff and leaf layer) or vegetation shall be caused within the buffer, or between the lake and a grandfathered structure. Equipment movement and excavation disturbance must be carefully controlled to avoid any impact on the buffer. For example, it is not legal to locate a foundation at the buffer limit if that placement will cause any disturbance within the buffer. The placement of silt fence at the buffer limit is intended to prevent this problem and satisfy state and local laws.
- Timber harvesting must not remove more than 40% of the volume of trees in lake and streamside buffers during any ten-year period. The creation of cleared openings is prohibited and an even forest canopy must be maintained. These provisions may limit the percentage of cut to less than the specified maximums.
- Rights-of-way or rights of use require 50 feet of shoreline frontage for each residential dwelling unit and cannot be granted unless the source lot meets dimensional requirements of the ordinance.

Violation of any of these standards will require the contractor(s) and/or landowner(s) to fully restore any site conditions not in compliance to their pre-construction condition. NOTE: This form summarizes key Ordinance provisions. Other restrictions and Maine DEP requirements also apply. Approval of a DEP permit under the Natural Resources Protection Act does not supersede these standards, which in some cases are more restrictive. NOTE: NRPA standards now restrict vegetative cutting within 75 feet of streams and wetlands not regulated under Shoreland Zoning. See section 15 of the Ordinance for information about which activities require a local permit.

For more information about shoreland zoning standards, lake water-quality, or watershed planning contact the Lakes Environmental Association at 102 Main Street in Bridgton (647-8580).

SHORELAND ZONING ORDINANCE

for the

Town of Naples

adopted November 14, 1974
amended March 10, 1990
amended December 16, 1991
amended June 13, 2000
amended June 11, 2002
amended December 29, 2003
amended June 21, 2006
amended June 24, 2009
amended June 16, 2010
amended June 8, 2011
amended February 25, 2013
amended June 4, 2014
amended June 9, 2018

Attested: 
Judy Whynot, Town Clerk

TABLE OF CONTENTS

Section 1.	PURPOSES	3
Section 2.	AUTHORITY	4
Section 3.	APPLICABILITY	4
Section 4.	EFFECTIVE DATE	4
	A. Effective Date of Ordinance and Ordinance Amendments	4
	B. Sections 15.O	4
Section 5.	AVAILABILITY	5
Section 6.	SEVERABILITY	5
Section 7.	CONFLICTS WITH OTHER ORDINANCES	5
Section 8.	AMENDMENTS	5
Section 9.	DISTRICTS AND ZONING MAP	6
Section 10.	INTERPRETATION OF DISTRICT BOUNDARIES	6
Section 11.	LAND USE REQUIREMENTS	7
Section 12.	NON-CONFORMANCE	7
	A. Purpose	7
	B. General	7
	C. Non-Conforming Structures	7
	1. Expansions	7
	2. Foundations	9
	3. Relocation	9
	4. Reconstruction or Replacement	10
	5. Change of Use of a Non-Conforming Structure	10
	D. Non-Conforming Uses	11
	1. Expansions	11
	2. Resumption Prohibited	11
	3. Change of Use	11
	E. Non-Conforming Lots	11
	1. Non-Conforming Lots	11
	2. Contiguous Built Lots	11
	3. Contiguous Lots – Vacant or Partially Built	12
Section 13.	ESTABLISHMENT OF DISTRICTS	12
	A. Resource Protection District	12
	B. Limited Residential District	13
	C. Limited Commercial District	13
	D. Stream Protection District	14
Section 14.	TABLE OF LAND USES	14
Section 15.	LAND USE STANDARDS	16
	A. Minimum Lot Standards	16
	B. Principal and Accessory Structures	17
	C. Aquatic Structures, Moorings and Other Structures	20
	D. Watercraft	28
	E. Campgrounds	29

	F. Individual Private Campsites	29
	G. Commercial and Industrial Uses	30
	H. Parking Areas	30
	I. Roads and Driveways	31
	J. Signs	33
	K. Storm Water Runoff	34
	L. Septic Waste Disposal	34
	M. Essential Services	35
	N. Mineral Exploration and Extraction	35
	O. Agriculture	36
	P. Timber Harvesting	37
	Q. Clearing or Removal of Vegetation for Activities Other than Timber harvesting	39
	R. Erosion and Sedimentation Control	42
	S. Soils	43
	T. Water Quality	44
	U. Archaeological Sites	44
	V. Waterfront Density	44
Section 16.	ADMINISTRATION	44
	A. Administering Bodies and Agents	45
	B. Permits Required	45
	C. Permit Application	45
	D. Procedure for Administering Permits	46
	E. Expiration of Notice of Decision	47
	F. Installation of Public Utility Service	47
	G. Appeals	47
	1. Powers and Duties of the Board of Appeals	47
	2. Variance Appeals	48
	3. Administrative Appeals	49
	4. Setback Reduction Appeals	49
	5. Appeals Procedure	50
	6. Appeal to Superior Court	51
	7. Reconsideration	51
	H. Enforcement	52
	1. Nuisances	52
	2. Code Enforcement Officer	52
	3. Legal Actions	52
	4. Fines	53

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish and spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and

visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

This Ordinance is enacted in accordance with the provisions of Title 38 Sections 435 – 449 of the Maine Revised Statutes Annotated (M.R.S.A.), and pursuant to the Town's home rule authority and the authority to regulate moorings in Great Ponds delegated to the Town by Title 38 M.R.S.A., Section 3.

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of

- normal high-water line of any great pond or river; upland edge of a freshwater wetland,
- and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure, including moorings, extending or located below the normal high-water line of a water body or within a wetland.

Section 4. Effective Date

A Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on December 16, 1991, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of its receipt of the Ordinance, or Ordinance Amendment, it shall be deemed approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

B. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Column 3 (Forest management activities except for timber harvesting) and Column 4 (Timber harvesting);
- Section 15(P) in its entirety; and
- Associated definitions in the Definitional Ordinance.

Section 5. Availability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within forty-five (45) days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Zoning Map, which is made a part of this Ordinance:

1. Resource Protection

2. Limited Residential
 3. Limited Commercial
 4. Stream Protection
- B. Scale of Map
The Official Zoning Map has been drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries are delineated and a legend indicating the symbols for each district has been placed on the map.
- C. Certification of Official Zoning Map
The Official Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
- D. Changes to the Official Zoning Map
If amendments, in accordance with Section 8 are made in the district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendments has been approved by the Board of Environmental Protection.

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Zoning Map, district boundaries shown within the lines of roads, streams and transportation right-of-ways shall be deemed to follow the center lines. The abandonment of roads shall not affect the location of district boundaries. When the Code Enforcement Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that the district boundary does not clearly coincide with a property line, he shall refuse action, and the Planning Board shall interpret the location of the district boundary with reference to the scale of the zoning map, the actual field conditions, and the purposes set forth in all relevant provisions of this by-law. Where uncertainty still exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

The depiction of the Shoreland Overlay Districts on the zoning map for the Town of Naples are merely illustrative of their general location. The boundaries of these districts shall be determined by measurement on the ground of the distance indicated on the maps from the normal high-water mark of the water body or the upland edge of wetland, regardless of the location of the boundary shown on the map.

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected,

constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance or conditional use appeal is granted.

Section 12. Non-conformance

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

- (1) **Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- (2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

- (1) **Expansions.** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements approved by the board. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) through (d) below.
 - (a). Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable standards of land use adopted by the municipality are met and the expansion is not prohibited by Section 12(C)(1).
 - (i) The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal

structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

- (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable standards of land use adopted by the municipality are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

- (i) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

- (ii) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- (iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- (d) A plan approved by the Code Enforcement Officer for an expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds in the Cumberland County Registry of Deeds, within 90 days of approval. Plans must include, at a minimum:

- (i) The method of expansion (whether the applicant utilized the thirty (30) percent or the footprint expansion option);
 - (ii) The existing and proposed footprint of the structure, in addition to the footprint of other non-conforming structures on the parcel;
 - (iii) The existing and proposed structure height;

- (iv) A scaled drawing showing the location of the structure and other structures on the lot, in relation to the water body, tributary stream or wetland.

- (2) **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Code Enforcement Officer or its designee, basing its decision on the criteria specified in Section 12(C)(3) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- (3) **Relocation.** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- (b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

- (4) **Reconstruction or Replacement.** Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Code Enforcement Officer or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Code Enforcement Officer or its designee shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

- (5) **Change of Use of a Non-conforming Structure.** The use of a non-conforming structure may not be changed to another use unless the Code Enforcement Officer, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Code Enforcement Officer shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

- (1) **Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1) above.
- (2) **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Code Enforcement Officer may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) **Change of Use.** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, including water dependent uses in the CFMA district, than the former use, as determined by the Code Enforcement Officer. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5) above.

E. Non-conforming Lots

- (1) **Non-conforming Lots:** A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

- (3) **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

- (a) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or
- (b) Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

DEFINITION OF FOOTPRINT:

Footprint- "Footprint" means the entire area of ground covered by the structures on a premises, including cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed, and areas which meet the criteria for the Limited Commercial need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of

record, or in the absence of these, by soil types identified as recent flood plain soils.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District, or the General Development District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two hundred fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Zoning Map.

Key to Table 1:

Yes – Allowed (no permit required, but the use must comply with all applicable land use standards).

No – Prohibited.

PB – Allowed with approval by the Planning Board and permit issued by the CEO where appropriate.

CEO – Allowed with permit issued by the Code Enforcement Officer.

LPI – Allowed with permit issued by the Local Plumbing Inspector.

Abbreviations:

RP – Resource Protection; LR – Limited Residential;
LC – Limited Commercial; SP – Stream Protection

TABLE 1 - LAND USES IN THE SHORELAND ZONE

LAND USES		DISTRICTS			
		SP	RP	LR	LC
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes	Yes
2.	Motorized vehicular traffic on existing roads and trails.	Yes	Yes	Yes	Yes
3.	Forest management activities except for timber harvesting & land management needs.	Yes	Yes	Yes	Yes
4.	Timber harvesting.	Yes	CEO ¹	Yes	Yes
5.	Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO	CEO
6.	Fire prevention activities.	Yes	Yes	Yes	Yes
7.	Wildlife management practices	Yes	Yes	Yes	Yes
8.	Soil and water conservation practices.	Yes	Yes	Yes	Yes
9.	Mineral exploration.	No	Yes ²	Yes ²	Yes ²
10.	Mineral extraction including sand and gravel extraction.	No	PB ³	PB	PB
11.	Surveying and resource analysis	Yes	Yes	Yes	Yes
12.	Emergency operations.	Yes	Yes	Yes	Yes
13.	Agriculture	Yes	PB	Yes	Yes
14.	Aquaculture	PB	PB	PB	Yes
15.	Principal structures and uses				
	A. One and two family residential, including driveways	PB ^{4,12}	No ¹²	CEO ¹²	CEO ¹²
	B. Multi-unit residential	No	No	PB	PB
	C. Commercial	No	No ⁹	No ⁹	PB
	D. Industrial	No	No	No	No
	E. Governmental and Institutional	No	No	PB	PB
	F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO
16.	Structures accessory to allowed uses	PB ^{4,12,13}	PB ^{1,12,13}	CEO ^{12,13}	CEO ^{12,13}
17.	Aquatic structures, piers, bridges and uses extending over or below the normal high-water line or within a wetland				
	A. Temporary	CEO ¹⁰	CEO ¹⁰	CEO ¹⁰	CEO ¹⁰
	B. Permanent	PB	PB	PB	PB
18.	Moorings	HM	HM	HM	HM
19.	Conversions of seasonal residences to year-round residences	LPI	No	LPI	LPI
20.	Home occupations	CEO	PB	CEO	CEO
21.	Private sewage disposal systems for allowed uses	LPI	No	LPI	LPI
22.	Essential services	PB ⁶	PB ⁶	PB	PB
	A. Roadside distribution lines (34.5kV and lower)	CEO ⁶	CEO ⁶	Yes ¹¹	Yes ¹¹
	B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ⁶	PB ⁶	CEO	CEO
	C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ⁶	PB ⁶	PB	PB
	Other essential services	PB ⁶	PB ⁶	PB	PB
23.	Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes
24.	Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO
25.	Individual, private campsites	CEO	CEO	CEO	CEO
26.	Campgrounds	No	No ⁷	PB	PB
27.	Road construction	PB	No ⁸	PB	PB
28.	Land management roads	Yes	PB	Yes	Yes
29.	Parking facilities	No	No ⁷	PB	PB
30.	Marinas	PB	No	PB	PB
31.	Filling and earthmoving of <10 cubic yards	CEO	CEO	Yes	Yes
32.	Filling and earthmoving of >10 cubic yards	PB	PB	CEO	CEO
33.	Signs	Yes	Yes	Yes	Yes
34.	Uses similar to allowed uses	CEO	CEO	CEO	CEO
35.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
36.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB

¹ In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

² Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³ In RP not allowed in areas so designated because of wildlife value.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).

⁶ See further restrictions in Section 15.M.2⁷ Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.⁸ Except as provided in Section 15.I.4

⁹ Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹⁰ Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹¹ Permit not required but must file a written "notice of intent to construct" with CEO.

¹² Accessory apartments are prohibited in the Shoreland Zone.

¹³ Bedrooms are prohibited in accessory structures.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following minimum provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)	Minimum Bldg. Setback from Lot Lines (ft.)
Residential (per dwelling unit)	60,000*	200*	20
Governmental, Institutional, Commercial, or Industrial (per principal structure)	60,000	300	20
Public and Private Recreational Facilities	60,000	200	20

* See subsection 6, below, for lots of record as of November 29, 1988.

** See subsection 7, below, for lots of record as of March 10, 1990.

1. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
2. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
3. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
4. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
5. A lot legally existing as of November 29, 1988, may be built upon for residential use provided the lot area is at least 40,000 square feet and the shore frontage is at least 100 feet, notwithstanding the fact that the lot is contiguous with any other lot in the same ownership, provided that all other requirements of this Ordinance are met.
6. The minimum setback for residential lots as of November 29, 1988, is twenty (20) feet.
7. The minimum setback requirements set forth in this section apply only to setbacks of structures from lot boundary lines. Notwithstanding these boundary line setback requirements, all structures shall comply with the requirements pertaining to setbacks from water bodies as provided in this Ordinance.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects

specifically allowed in that district in which case the setback requirements specified above shall apply. The following ponds are classified GPA in Naples: Long Lake, Brandy Pond, Seago Lake, Trickey Pond, Peabody Pond, Cold Rain Pond and Holt Pond.

In addition:

- a. The water body, tributary stream or wetland setback provision shall apply neither to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 - b. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
 - c. Alternative energy structures may be placed within the setback area but only in a legally existing clearing and any additional vegetation removal necessary must conform to the vegetation removal provisions within the ordinance. In addition, the extent of a proposed alternative energy project must be limited by design to the energy needs of the existing use on the property. Sale of energy to the power grid must be limited to incidental excess power generation. Projects designed for commercial generation of power must comply with structure setback requirements.
 - d. The waterbody, tributary stream or wetland setback provision shall not apply to Municipally owned structures within the reclaimed areas of Route 302 and the Naples Bay Bridge Project area.
2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall

not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

3. The lowest floor elevation or openings of all buildings and structures, including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty percent (20%) of the lot or a portion thereof, located within the shoreland zone, including land area previously developed. The non-vegetated surfaces within the Shoreland zone for Municipally owned/controlled Naples Causeway Project shall not exceed 60% of the lot or a portion thereof, located within the Shoreland zone, including land area previously developed.
5. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - a. The site has been previously altered and an effective vegetated buffer does not exist;
 - b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - d. The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - e. Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

- g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - iii. Only native species may be used to establish the buffer area;
 - iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - v. A footpath not to exceed the standards in Section 15.Q.2.a., may traverse the buffer;
- 6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreland access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Aquatic Structures, Moorings and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

- 1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- 2. The location shall not interfere with existing developed or natural beach areas.
- 3. The facility shall be located so as to minimize adverse effects on fisheries.
- 4. In the case of an aquatic structure which does not (1) extend from its point of attachment to land a distance of more than fifty (50) feet into or toward the adjacent body of water, and (2) which does not

contain a gross floor area in excess of three hundred (300) square feet on a parcel with water frontage of 50' to 200'; four hundred (400) square feet on a parcel with water frontage of 200'+, and in the case of a municipal aquatic structure (as defined in the Definitional Ordinance), a permit must be obtained from the Code Enforcement Officer. Such permit may be granted if the Code Enforcement Officer determines that the structure is consistent with any applicable provisions of the Shoreland Zoning Ordinance, is located on or adjacent to the land it purports to serve, and will not unreasonably interfere with navigation and aquatic access to adjacent lots, insofar as they are currently being used. Such permit shall not expire unless the structure is removed and not replaced for a twenty-four (24) month period.

5. In the case of a non-commercial aquatic structure, which either (1) extends from its point of attachment to adjacent upland a distance of more than fifty (50) feet into or toward the adjacent body of water, or (2) contains a gross floor area in excess of three hundred (300) square feet, a permit must be obtained from the Planning Board. Such permit may be granted if the Planning Board finds that the use or construction of the structure is consistent with any applicable provision of the Shoreland Zoning Ordinance and the Comprehensive Plan, is located on or adjacent to the land it purports to serve, will not unreasonably interfere with navigation and aquatic access to adjacent lots insofar as they are currently being used, and will not significantly contribute to or aggravate existing foreseeable future aquatic congestion. A permit issued under this section shall not expire unless the structure is removed and not replaced for a twenty-four (24) month period, or unless the use of said structure ceases for a twenty-four (24) month period.
6. In the case of a commercial aquatic structure which either (1) extends from its point of attachment to land a distance of more than fifty (50) feet into or toward the adjacent body of water, or (2) contains a gross floor area in excess of three hundred (300) square feet, or (3) accommodates one or more boats or vessels which provide access to moored boats or vessels, a permit may be granted by the Planning Board.

Such permit shall be granted if the Planning Board finds that the use or construction of the structure is consistent with any applicable provisions of the Shoreland Zoning Ordinance and the Comprehensive Plan, is located on or adjacent to the land it purports to serve, will not unreasonably interfere with navigation and aquatic access to adjacent lots insofar as they are currently being used, and will not significantly contribute to or aggravate existing or foreseeable future aquatic congestion, and the owner(s) have provided adequate off-street long-term parking on the

adjacent upland or within three hundred (300) feet of the adjacent upland. Such permit shall be issued for a period of one (1) year and may be renewed upon terms consistent with this section.

In addition, with respect to renewal of annual permits, the Board shall also be required to find that the aquatic structure has been maintained in a safe condition having regard to the nature of its use.

7. In the case of all commercial aquatic structures (as defined in this ordinance) except for watercraft parking facilities the maximum number of motorized watercraft docked or moored or otherwise accommodated there in shall not exceed a total density of one (1) motorized watercraft for every twenty-five (25) feet of shore frontage, measured in a straight line between the; points of intersection of the side lot line with the shoreline at normal high-water elevation.
8. In the case of all aquatic structures (as defined in this ordinance), the “temporary adjacent upland access structure” is not included in the dimensional restriction of this ordinance. However, the “temporary adjacent upland access structure” shall be the minimum size required to provide access to the aquatic structure as determined by the reviewing authority.
9. In the case of a watercraft parking facility (as defined in this ordinance), a permit shall be granted if the Planning Board finds that all applicable provisions of the Shoreland Zoning Ordinance, except for Section 15, Subsection C-7, are fully complied with and that the following conditions are satisfied.
 - a. The facility shall not provide fuel, water, sanitary or other services to persons using the facility.
 - b. The facility shall not permit any vessel to remain docked at the facility between the hours of 2:00 a.m. and 7:00 a.m. any day; and
 - c. The owner of the facility shall staff, maintain, police and assume all liability for the facility.
10. Existing Structures: Existing aquatic structures, other than commercial aquatic structures, may continue to be used, repaired and maintained to the same extent as they existed or were used as of the effective date of this ordinance. Those structures which have been seasonally removed from the water may be seasonally returned to the water provided they have been in use within the twenty-four (24) months preceding the effective date of this ordinance. Existing structures may not be enlarged without a permit required by Section 15.B.5. Existing commercial aquatic

structures which do not conform to the requirements of the ordinance may continue to be used, repaired, maintained and annually licensed (if maintained in a safe condition) to the same extent as they existed on or within twenty-four (24) months prior to the effective date of this ordinance. Marinas, state licensed campground, the three (3) commercial docks and the one (1) municipal dock abutting the Causeway, existing as of the effective date of this ordinance shall not be required to obtain an annual license. Provided, nevertheless, that such aquatic structures, other than marinas, state licensed campgrounds and the three (3) commercial docks and the one (1) municipal dock abutting the Causeway, existing as of the effective date of this ordinance, shall either be rendered conforming or be removed within ten (10) years following the effective date of this ordinance.

Within one hundred eighty (180) days after enactment of this ordinance, the Planning Board, with the advice of the Code Enforcement Officer, shall compile a list of existing commercial aquatic structures, which do not conform to the requirements of the ordinance. The list shall be transmitted to the municipal officers. Thereafter, the municipal officers shall give notice to the owners of such structures, or if the owners are unknown, to the owners of the adjacent upland, identifying the non-conformity and describing what steps, if any, short of removal, must be accomplished, or if removal must be undertaken, within the periods of times set forth herein.

11. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
12. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protections, pursuant to the Natural Resources Protection Act.
13. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
14. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

15. Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.

16. Moorings

- a. Mooring placement shall be the responsibility of the property owner, provided that the mooring(s) shall be placed in the location specified by the Harbor Master. Leasing, subleasing or rental of moorings shall be prohibited.
- b. Mooring placement shall be the responsibility of the property owner. The owner of said mooring(s) and property shall be limited to one (1) mooring per fifty feet of shore frontage. However, no mooring shall be placed outside the area of the water safety zone, specifically two hundred (200) feet from any shore or one-third (1/3) the distance to the opposite shore, whichever is less, or in areas that will create a hazard to navigation to all watercraft. All moorings are prohibited in bodies of water commonly known as the Songo River and Crooked River. All moorings not located in the correct location shall be moved by the owner at his/her own expense in accordance with the instructions of the Harbor Master. In the event of the failure of the owner to comply with these instructions, the Harbor Master shall move or cause to have removed by a commercial operator the improperly located mooring at the expense of the assigned owner. Failure to move or remove a mooring at the order of the Harbor Master is a violation of the Mooring Regulations.
- c. Moorings must conform to all the specifications and permits required by this regulation and the State of Maine. This regulation shall not preclude those individuals who wish to "anchor" a boat temporarily for a period of time not to exceed twenty-four (24) hours without permission of the Harbor Master. Locating a temporary mooring outside the area designated by the Harbor Master is prohibited unless a permit is received from the Harbor Master prior to placement of the mooring. Any mooring located for longer than twenty-four (24) hours will constitute a mooring, which requires a permit from the Harbor Master in accordance with the procedure for registering mooring set forth in this regulation.
- d. Mooring Specifications:
 - i. All anchors shall be of stone, granite or cured, reinforced concrete or mushroom anchor without dangerous protrusions, or others as approved by the Harbor Master.
 - ii. The anchor line between anchor and buoy shall be chain of a size to fit boat, exposure and water depth. All moorings

shall be white in color with a blue strip, as commercially available, on the upper white portion of the buoy as required by State Law.

- iii. All moorings placed after the effective date of this ordinance must comply with the above specifications and applicable paragraphs of this regulation.

e. Designated Mooring Area:

The Harbor Master may create a designated mooring field in any area where one or more residential property owners (the "owner" or "owners") have deeded rights to a common area or right of way. All moorings (the physical anchor) in a designated mooring field must be located in front of the common land or right of way. The only exception is if a neighboring property owner gives permission in writing to allow for moorings in front of their waterfront as part of the designated mooring field, then moorings may be placed in that location. When considering the establishment of a designated mooring field, the Harbor Master shall make sure that it will not interfere with navigation or unduly burden the rights of other property owners, and subject to the following criteria:

1. The owners shall submit a plan with the following criteria:
 - a. plan shall indicate the capacity of the field, respecting the water safety zone, which is 200 feet from any shore, or one third (1/3) the distance to the opposite shore, whichever is less;
 - b. plan shall indicate the number of boats, and the maximum length boat allowed on each mooring;
 - c. plan shall be to scale
 - d. failure to provide a plan that meets the requirements of the standards as listed, may lead to rejection of the plan by the Harbor Master, who may require a plan designed by a competent consultant to be paid for by the owners.
2. The owners shall designate one representative with decision-making authority who shall be the contact person with the Harbor Master regarding the mooring field, and the owners' representative shall provide annually a list of those eligible for a mooring in the mooring field. This list, including

management of any waiting list, shall be the responsibility of the owners.

The list shall comply with plan laid out in Section 1 and include the total number of moorings and the following information:

- a. listing of each mooring number
 - b. person assigned to each mooring;
 - c. length of the boat owned by the person assigned to the mooring.
3. Owners are responsible for managing mooring field during changing water levels and mooring field will be designed to prevent boat damage. Any damage in mooring fields is responsibility of owners.
 4. An owner is not eligible for a mooring in the field if the owner can place a mooring off the owner's own frontage and if the field is or will be at capacity from eligible owners with no frontage.

In the event of the failure of the owners to comply with these instructions, the Harbor Master shall move or cause to have removed by a commercial operator the improperly located mooring(s) at the expense of the assigned owner. Failure to move or remove a mooring(s) at the order of the Harbor Master is a violation of the Mooring Regulations.

- f. Abandoned Boats, Vessels, Wrecks, Etc:
Abandonment Prohibited. No person shall cause to be abandoned any watercraft or related equipment or appurtenances on the shores within Naples or on the waters of Naples, whether on a mooring or at anchor. Nor shall any person abandon or cause to be abandoned any boat, vessel, hull, or any raft at any wharves, docks or permanent floats within Naples waterways. No person shall abandon any boat, vessel, hull or watercraft upon unimproved shoreline, dock, float, mooring or at anchor except with the express consent and approval of the owner of the dock, float, mooring, shoreline or in the case of anchored watercraft, the consent and approval of the Harbor Master.
 1. Presumption. Any boat, vessel, hull or raft left within the confines of Naples waterways and which has been unattended for a period of seven (7) days without the

express consent and approval of the owner of the dock, float, mooring, shoreline or in the case of anchored watercraft, the consent and approval of the Harbor Master; shall be declared abandoned.

2. Disposal. Property deemed to be abandoned under this section shall be handled by the Town according to the procedures established in Title 25, Sections 3501 et seq. or title 33, Sections 1951 et seq. of the Maine Revised Statutes Annotated.
 3. Penalty. A violation of this Ordinance may be prosecuted, and relief, fees, fines and penalties assessed, pursuant to the provisions of Title 30-a, Section 4452. Each day the violation is permitted to exist beyond the limits above described shall be considered a separate offense.
 4. Impounding. If an abandoned watercraft is deemed to be a nuisance, a threat to navigation or a safety hazard, the Harbor Master may impound the watercraft at a site designated for this purpose. Impounding shall continue until such time as all procedures pursuant to Title 25, Section 3501 et seq. of the Maine Revised Statutes Annotated have been completed or the owner of the watercraft has paid all costs involved with the impounding as well as any fines, which have been assessed.
- g. Mooring; Penalty for Neglecting to Remove or Replace:
In case of the neglect or refusal of the master or owner of any boat or vessel to remove his mooring or to replace it by one of different character, when so directed by the Harbor Master, the Harbor Master shall cause the mooring to be removed, or shall make such change in the character thereof as required, and shall collect from the master or owner of such boat or vessel the sum of one hundred dollars (\$100) for either of such services rendered. In addition, the owner of the mooring tackle shall be liable for all expenses incurred to comply with the Harbor Master Order.
- h. Mooring Registration Fee:
Registration fee to be twenty dollars (\$20.00); Renewal fee to be ten dollars (\$10.00); Late fee to be ten dollars (\$10.00). Renewals shall be applied for prior to July 15th or the late fee shall apply. All subsequent fees to be set and altered by the Board of Selectpersons.

17. Marinas

To enhance the safety of the residents of and visitors to the Town on Naples in the Town and its surrounding waters, the mooring of watercraft in or adjacent to marinas is prohibited. A marina shall provide docks, permanent or temporary, for the docking of

watercraft only. New and existing docks shall be permitted in an area measured along the frontage of the marina parcel and extending into the water a distance not to exceed one hundred fifty (150) feet from any shore or 1/3 distance to the opposite shore, whichever is less, not to be placed outside the safety zone. Existing docks extending into the water for a distance greater than two hundred (200) feet but not more than three hundred (300) feet may continue in place and normal maintenance shall be allowed, provided the marina possesses and is in compliance with all required State permits or leases, but such docks may not be enlarged. Docks shall be attached to the adjacent upland. Notwithstanding any limitations on the number of watercraft imposed by the Aquatic Structures Ordinance, the number and types of watercraft which may be present at the marina's dock or docks at any one time shall be limited to those that can be accommodated safely, as determined by the marina operator, subject to review by the Harbor Master and reviewed and approved by the Planning Board. Any required Shoreland Zoning or Department of Environmental Protection permit or submerged lands lease required shall be obtained prior to construction of any dock. Marinas may choose to retain existing moorings, however, the number of moorings may not exceed the number in use during the 1996 boating season and no additional dock space is permitted.

18. Enforcement

The Harbor Master shall be responsible for enforcing the Mooring Section. A violation of the Mooring Section may be prosecuted and relief, fees, fines and penalties granted and assessed pursuant to the provisions of Title 30-A, Section 4452. The failure to obey the lawful order of a harbor Master shall be punished as a Class E crime pursuant to Title 12, Section 7803(3).

The Harbor Master may deny privileges to any person who fails to pay any fee, charge for services, forfeiture or penalty, including but not limited to any costs assessed to the owner of a mooring if the Harbor Master moves or causes to be moved an improperly located mooring pursuant to Section A.2 of this regulation.

D. Watercraft

For any residential lot abutting a lake, pond, river or stream, in no case shall the maximum number of motorized watercraft docked, moored, or otherwise accommodated therein exceed a total density of one (1) motorized watercraft for every twenty-five (25) feet of shoreline frontage measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high-water elevation. This limit shall

not apply to motorized watercraft of transient visitors, which remain for less than twenty-four (24) hours.

- E. Campgrounds: Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

State licensed campgrounds located in Naples as of November 18, 1988 (Licensed by the Division of health Engineering, Department of Human Services):

CAMPGROUNDS	LOCATION	SITES
Bay of Naples Family Camping	Route 11/114	150
Brandy Pond Camps	Songo School Rd	28
Brandy Pond Park	Route 302	77
Colonial Mast Campground	Kansas Road	79
Four Seasons Camping Area	Route 302	115
Loon's Haven Campground	Route 11/114	125
The Quinby's	Thompson's Point	20

1. Campgrounds shall contain a minimum of five thousand (5000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

- F. Individual Private Campsites: Individual, private campsites not associated with campgrounds are allowed provided that the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or one campsite per thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

G. Commercial and Industrial Uses: The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing or polishing
10. Petroleum or petroleum product storage and/or sale except for storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

H. Parking Areas

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are

located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - i. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - ii. Internal travel aisles: Approximately twenty (20) feet wide.

I. Roads and Driveways: The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features:

1. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of or transport of phosphorus to the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty percent (20%) the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five percent (5%) increase in slope above twenty percent (20%).

Section 15.I.1. does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures,

and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses.

Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15.H.1 except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15.R.
5. Road and driveway grades shall be no greater than ten percent (10%) except for segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
7. Ditch relief (cross drainage), drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

- a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent (10%) or less.
- c. On sections having slopes greater than ten percent (10%), ditch relief culverts shall be placed at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road or driveway.
- d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.
- J. Signs: The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:
1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be allowed without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.

K. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

L. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:
 - a. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and
 - b. The minimum setback for new subsurface sewage disposal systems shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance. A holding tank is not allowed for a first-time residential use in the shoreland zone.

M. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

- N. Mineral Exploration and Extraction: Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail the procedures to be undertaken to fulfill the requirements of Section 15.N.4 below.
2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.
3. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100)

cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

- a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

The State of Maine Solid Waste Laws, 38, M.R.S.A., Section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- b. The final graded slope shall be two and one-half to one (2 1/2:1 slope or flatter.
 - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
4. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

O. Agriculture

1. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the

Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

4. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provisions may be maintained.
5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

P. Timber Harvesting

1. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - a. Within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - i. The ground is frozen;
 - ii. There is no resultant soil disturbance;
 - iii. The removal of trees is accomplished using a cable or broom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - iv. There is no cutting of trees less than 6 inches in diameter; no more than 30% of trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - v. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - b. Beyond the 75 foot strip referred to in Section 15.P.1.a above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal

area of trees over 4 ½ inches in diameter at 4 ½ feet above ground level be reduced to less than 30 square feet per acre.

Any site within a shoreland area zoned for resource protection abutting a great pond, beyond the seventy-five (75) foot restricted strip where timber is harvested, must be reforested within two (2) growing seasons after the completion of the harvest, according to the guidelines adopted by the Board of Environmental Protection.

2. Except in areas described in Section 15.P.1 above, timber harvesting shall conform with the following provisions:
 - a. Selective cutting of no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter measured at 4 ½ feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - i. Within one hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.
 - ii. At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create clear-cut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
 - b. No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall be either removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
- d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten percent (10%) shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten percent (10%) increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

Q. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water mark, except to remove safety hazards.

Elsewhere, in any Resource Protection District, the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Section Q.1, above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a

river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- a. There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree crown or shrub. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
- b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15.Q.2.b., a “well-distributed stand of trees” adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system:

Diameter of Tree at 4 ½ Feet Above Ground Level (inches)	Points
2 – <4 inches	1
4 – <8 inches	2
8 – <12 inches	4
12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

Note: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two (2) trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points ($36 - 24 = 12$) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- i. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- ii. Each successive plot must be adjacent to, but not overlap a previous plot;
- iii. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
- v. Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter

For the purposes of Section 15.Q.2.b. “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangular area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than forty percent (40%) of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15.Q paragraphs 2 and 2.a above.
- d. Pruning of tree branches on the bottom ⅓ of the tree is allowed.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

<p>Section 15.Q.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas</p>

are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty percent (40%) of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty percent (40%) calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development District.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15.Q.

R. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require Planning Board approval shall also require a written soil erosion and sedimentation control plan. The plan shall include, where applicable, provisions for:
 - a. Mulching and revegetation of disturbed soil.
 - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - c. Permanent stabilization structures such as retaining walls or riprap.
2. All activities described above in subsection 1 that require Planning Board approval shall require that the Erosion and Sedimentation Control Plan be reviewed and approved by the Cumberland County Soil and Water Conservation District.

3. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
4. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
5. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twin or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
6. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

S. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists, and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include

recommendations for a proposed use to counteract soil limitations where they exist.

T. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

U. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

V. Residential and Campground Common Area Frontage and Campground Density

1. The shorefront common area shall have a minimum of fifty (50) feet of shoreline frontage for each residential dwelling unit, which has access to the shorefront. No rights of use shall be granted to persons other than owners of residential dwelling units.
2. The shorefront common area of a campground shall have a minimum shoreline frontage of twelve and on half (12.5) feet per campsite, with a minimum of nine hundred (900) feet total. The campground shall contain a minimum of five thousand (5,000) square feet for each campsite, excluding roads, driveways, wetlands and land below the normal high-water line.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer: A code Enforcement Officer shall be appointed in accordance with the provisions of State Law.
2. Planning Board: A Planning Board shall be created in accordance with the provisions of State Law.
3. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A., section 2691.

B. Permits Required

After the effective date of this Ordinance no person shall without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:
 - a. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - b. The replacement culvert is no longer than 75 feet; and
 - c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct. .
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use

would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within forty-five (45) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that the specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within forty-five (45) days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within forty-five (45) days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use;
8. Is in conformance with the provisions of Section 15, Land Use Standards, and is not inconsistent with the policies set forth in the Town's Comprehensive Plan.

If a permit is either denied or approved with conditions, the reasons as well as the conditions shall be stated in writing. No approval shall be granted for an application involving a structure if

the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or statute administered by the municipality is responsible for enforcing.

Expiration of Notice of Decision Notice of Decisions shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire. One-year extensions may be granted by the Planning Board, in its sole discretion, only upon written application by the owner of the property.

E. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that the installation has been completed.

F. Appeals

1. Powers and Duties of the Board of Appeals:

- a. Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board or Harbor Master in the administration of this ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.
- b. Variance Appeals: To authorize variances upon appeal, within the limitation set forth in this Ordinance.
- c. Setback Reduction Appeals: To grant reductions from the requirements set forth in Section 15.A of this Ordinance for minimum setbacks of structures from lot boundary lines. Setback Reduction appeals shall not be used, and are not available, to reduce the minimum setbacks of structures from water bodies as provided in this Ordinance.

2. Variance Appeals: Variances may be granted only under the following conditions:
- a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
 - b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
 - c. The Board shall not grant a variance unless it finds that:
 - i. The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a) That the land in question cannot yield a reasonable return unless a variance is granted;
 - b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
 - c) That the granting of a variance will not alter the essential character of the locality; and
 - d) That the hardship is not the result of action taken by the applicant or a prior owner.
 - e) Notwithstanding Section 16.G.2.c.ii. above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
 - f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be

forwarded by municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

3. Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

4. Setback Reduction Appeals

The Board of Appeals may grant reductions from the minimum setback requirements set forth in Section 15(A) of this Ordinance according to all of the following criteria:

- a. Setback reduction appeals are only available to reduce the minimum requirements for setbacks of structures from Lot boundary lines. Setback reduction appeals shall not be used, and are not available, to reduce required minimum setbacks of structures from bodies of water as provided in this ordinance.
- b. Setback reduction appeals may only be granted and are only available for:
 - 1) lots in existence as of the effective date of this ordinance;
and
 - 2) lots with a residential dwelling as the principal structure.

- c. The Board of Appeals shall grant a setback reduction appeal if the Board finds that granting the setback reduction will not result in unreasonable interference with the privacy interests of the abutting landowners.
- d. In granting a setback reduction the Board of Appeals may attach reasonable conditions which it may deem necessary to serve the purposes of this ordinance.
- e. A setback reduction appeal shall not be granted to enable construction or renovation that will create additional dwelling units.
- f. A setback reduction appeal shall not be granted to enable construction or renovation that will result in more than one garage on the lot that is the subject of the appeal.
- g. No setback reduction appeal may be granted that will result in an impervious surface lot coverage of greater than thirty percent (30%).
- h. Setback reduction appeals may only be granted the minimum extent necessary to accomplish the purpose of the appeal. Setbacks may not be reduced by appeal to less than the following absolute minimum setbacks:

Side Yard	10 feet
Front Yard	15 feet
Rear Yard	15 feet

5. Appeal Procedure

a. Making an Appeal

- i. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement officer or the Planning Board, except for enforcement-related matters as described in Section 16.G.1.a above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Appeals Board, upon showing of good cause, may waive the thirty (30) day requirement.

Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

- a) A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
- b) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- c) Upon receiving an application for an administrative appeal, or a variance the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the

Board of Appeals all of the papers constituting the record of the decision appealed from.

- d) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

b. Decision by Board of Appeals

- i. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

1.

- ii. The person filing the appeal shall have the burden of proof.

- iii. The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the of the hearing, and shall issue a written decision on all appeals.

- iv. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven(7) days of the Board's decision. Copies of written decision of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

6. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691.3.F, any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

7. Reconsideration

In accordance with 30-A M.R.S.A. section 2691.3.F. the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the board to reconsider must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement

officer, and other parties of interest, including abutters and those who testified at the original hearings(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

G. Enforcement

1. Nuisances: Any violation of this Ordinance shall be deemed to be a nuisance.
2. Code Enforcement Officer:
 - a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, beginning in 1991, a summary of this record must be submitted by March 1 to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.
3. Legal Actions
When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent

agreements for the purpose of eliminating violations of this Ordinance and recovering fines without court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or contractor, builder or developer who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A., section 4452.

NOTE: For definitions please reference the **Definitional Ordinance, adopted June 11, 2002.**

TOWN OF NAPLES

SIGN ORDINANCE

Adopted at Town Meeting June 27, 1998

Revised June 11, 1999

Revised June 11, 2002

Revised June 21, 2006

Revised June 24, 2009

Attested by Town Clerk

ARTICLE I

TITLE, AUTHORITY, PURPOSE & DEFINITIONS

Section 1.1 TITLE

This ordinance shall be known and may be cited as Town of Naples Sign Ordinance.

Section 1.2 AUTHORITY

This ordinance is enacted pursuant to the home rule power conferred by Article VIII, part Second of the Maine Constitution and Title 30-A, Sections 2101, 2109, and 3001 of the Maine Revised Statutes.

Section 1.3 PURPOSE

The purpose of this ordinance is to permit such signs as will not, by their size, location, construction or manner of display, endanger the safety of individuals, confuse, mislead or obstruct the vision necessary for traffic safety, or otherwise endanger the public health or safety. These sign standards are intended to support and complement the comprehensive plan and ordinances of the Town of Naples, while enhancing and protecting the natural scenic beauty of the Town.

ARTICLE II **STANDARDS**

Section 2.1 GENERAL STANDARDS

No sign shall be erected, moved or altered except in conformity with the purpose and provisions of this ordinance. All signs governed by this ordinance must be kept clean, neatly painted, and free from all hazards such as, but not limited to, faulty or exposed wiring and loose fastenings, and shall be maintained in a safe and secure condition.

Section 2.2 LOCATION/DISPLAY

A. Number of signs: no more than 2 free-standing signs per lot.

B. Placement:

- 1) Signs may not obstruct free entrance or exit from any door, window or fire escape.
- 2) Signs may not obstruct vision to or from any traveled way.
- 3) Signs must be located on private property, with the exception of State-allowed signs located in their right-of-way.

C. Manner of Display:

- 1) No commercial signs shall be allowed on fences or street sign poles.
- 2) Maximum height for free-standing signs 20 feet.

D. The display of movable, portable and sandwich signs is limited to the business' operating period.

E. Signs on buildings and roofs.

Section 2.3 SIZE STANDARDS

In the event that there are two free standing signs placed upon a lot as permitted pursuant to Section 2.2A then the combined surface area of both signs shall be determined by the least restrictive of A or B below. In addition, all new and upgraded freestanding signs must have a physical address panel no larger than 8 square feet.

- A. If either of the two free standing signs permitted pursuant to section 2.2.A. is visible from a traveled way where posted speed limits are less than thirty-six (36) miles per hour, the maximum combined surface area of both signs shall not exceed thirty-two (32) square feet.
- B. If either of the two free standing signs permitted pursuant to section 2.2.A. is visible from a traveled way where posted speed limits are more than thirty-six (36) miles per hour, the maximum combined surface area of both signs shall not exceed sixty-four (64) square feet.
- C. In the case of 2 or more businesses sharing a common entrance there shall be a separate area provided for a common entrance sign.
- D. Portable signs shall not exceed 32 square feet.
- E. Sandwich signs not to exceed 12 square feet per lot.
- F. Building signs shall not exceed 32 square feet per side. Roof signs shall not exceed 32 square feet per side.

Exemption: All Federal and State mandated signs are exempt from the maximum square footage allowed.

Section 2.4 CONSTRUCTION STANDARDS

- A. All signs must be structurally safe, and must not be a hazard to public safety or health.
- B. Signs may not cause electric shock and may not have exposed electrical wires.
- C. Portable signs may not be on wheels.

ARTICLE III

PERMITS

Section 3.1 PERMITS AND APPEAL PROCEDURES:

- A. It shall be unlawful for any person to erect, repair, alter or relocate any sign, (except as exempted by other provisions of this ordinance) without first obtaining a sign permit from the Code Enforcement Officer. It shall be the duty of the Code Enforcement Officer to review and sign permit applications to determine conformance with the standards of this ordinance and with the standards of all other codes and ordinances of the Town of Naples.
- B. Applications for a sign permit shall be available at the Town Hall.
- C. Applications for sign permits shall include a sketch of the sign and a site drawing showing location of the sign on land or building with relevant measurements.
- D. Once an application is determined by the Code Enforcement Officer to be complete it shall be acted upon by the Code Enforcement Officer within thirty (30) days of completion and receipt of appropriate fees. In the event the permit request is denied, the applicant shall be provided with the reasons for the denial in writing within forty-five (45) days of the denial.
- E. Any applicant who has applied for a permit and has been denied, or whose permit has been revoked or suspended, and anyone subject to enforcement proceedings initiated pursuant to section 4.1 of this ordinance, may, within thirty (30) days of the denial, suspension or revocation or the initiation of enforcement proceedings, request review of the CEO's decision by the Ordinance Review Committee. The Ordinance Review Committee shall, within 15 (fifteen) days convene a hearing to review the action of the CEO. Within 10 (ten) days of the completion of such hearing the Ordinance Review Committee shall issue written findings and a decision upon the Appeal. If the Ordinance Review Committee concludes that the CEO's action was correct, or if a party disputes a decision by the Ordinance Review Committee which reverses action by the CEO, then the aggrieved party may, within thirty (30) days, appeal to the Naples Board of Appeals as defined in and pursuant to 30-A MRSA section 2691. The Naples Board of Appeals may uphold or reverse the CEO's action.
- F. The following signs are exempt from permits and fees if they comply with all other applicable laws, ordinance, rules and regulations: political signs; public safety signs; yard sale signs; construction signs; for sale/rent/lease signs; municipal signs; non- profit signs; signs for charitable events.

Section 3.2 FEE SCHEDULE

Fees shall be \$1.00 per square foot per sign (\$5.00 minimum) payable to the Town of Naples. This schedule may be revised annually by the municipal officers, who may adjust fees either upward or downward. All new signs require a one-time permit, except those listed herein.

Section 3.3 APPLICABILITY

Any sign existing as of the date of enactment of this ordinance is grandfathered in its present configuration and is not subject to the provisions of this ordinance until such time as the primary use of the parcel upon which the sign exists changes.

ARTICLE IV
ENFORCEMENT AND PENALTIES

Section 4.1 ENFORCEMENT AND PENALTIES

- A. The Code Enforcement Officer is authorized to enforce this ordinance.
- B. If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, he shall provide notification in writing to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.
- C. If the violation is not corrected within the time specified, the Code Enforcement Officer may order repairs or removal of any sign and its supporting structures judged dangerous, in disrepair or in violation of this ordinance; may revoke the sign permit and/or may seek penalties and injunctive relief.

Section 4.2 PENALTIES

Violation of any provision of this ordinance or any lawful order relating to this ordinance by the Code Enforcement Officer shall be subject to a fine of not more than \$100.00 per offense. Each day that the violation continues is a separate violation. In the event that the Town of Naples incurs any expense in the enforcement of this ordinance, including but not limited to court costs and attorney's fees, the Town shall be entitled to collect such costs from the violator. Any penalties or costs assessed shall be payable to the Town of Naples.

ARTICLE V
SIGNS

Section 5.1 ALLOWABLE SIGNS

Unless otherwise provided herein, only signs that meet the requirements of this ordinance are permitted in the town of Naples.

ARTICLE VI
SEVERABILITY, INCONSISTENCY AND EFFECTIVE DATE

Section 6.1 SEVERABILITY

The invalidity of any provision of this ordinance shall not invalidate any other provision.

Section 6.2 INCONSISTENCY

If provisions of this ordinance conflict or are inconsistent with other provisions of this ordinance, with the provisions of other ordinances of Town of Naples, or with laws, ordinances, rules or regulations of the federal government or the State of Maine, the stricter requirements shall apply and control.

Section 6.3 EFFECTIVE DATE

The effective date of this ordinance shall be when enacted by the Town of Naples. Enactment of this ordinance will replace, in whole, the sign sections in the Shoreland Zoning and Site Plan Review Ordinances. Enacted on June 11, 1999.

SITE PLAN REVIEW ORDINANCE

TOWN OF NAPLES

Adopted: November 29, 1988

Amended: May 14, 1991

Amended: March 5, 1994

Amended: June 28, 1997

Amended: June 27, 1998

Amended: June 11, 2002

Amended: June 5, 2013

Attested by Town Clerk

TABLE OF CONTENTS

SECTION 1.	FINDINGS AND PURPOSE
SECTION 2.	AUTHORITY
SECTION 3.	APPLICABILITY
SECTION 4.	ADMINISTRATION
SECTION 5.	SUBMISSION REQUIREMENTS
SECTION 6.	CRITERIA AND STANDARDS
SECTION 7.	GENERAL PROVISIONS
SECTION 8.	GENERAL REGULATIONS
SECTION 9.	ENFORCEMENT
SECTION 10.	EXPIRATION OF NOTICE OF DECISION
SECTION 11.	VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES
SECTION 12.	APPEALS
SECTION 13.	AMENDMENTS
ADDENDUM	Naples Planning Board 1992 Phosphorus Review Protection Level and Future Area to be Developed (FAD) Level for Lakes and Ponds in Naples.

SECTION 1. FINDINGS AND PURPOSE

The Town of Naples determines that large scale development or major land use changes have a profound effect upon the cost and efficiency of municipal services, upon the environment of the Town of Naples, and upon the general health, safety and welfare of the residents of the Town. Unplanned development may result in overcrowded schools and highways, increased costs of municipal services and degraded air and water quality. The purpose of this ordinance is to ensure an orderly growth of the Town and to minimize the detrimental effects of that growth which is caused by development, by way of but not limited to: commercial, industrial, retail or institutional buildings, structures and/or uses, campgrounds and mobile home parks.

SECTION 2. AUTHORITY

1. This ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30, M.R.S.A., Section 2151-A.
2. This Ordinance shall be known as the "Site Plan Review Ordinance" of the Town of Naples, Maine, adopted and effective by vote of the Naples Town Meeting, March 5, 1994, and thereafter amended.

SECTION 3. APPLICABILITY

- A. This Ordinance shall apply to all development proposals and changes of use defined herein in the Town of Naples. Development means and includes:
 1. Proposals for new construction of commercial, retail, industrial, utility, institutional and recreational buildings and structures of more than 1600 square feet of floor space or additions of more than 800 square feet of floor space either be addition of units within an existing structure or by expansion of an existing structure or by construction of additional buildings on the same lot. Such requirements of construction shall be cumulative. Review shall be required if the new construction, alteration or addition results in a building or buildings that exceeds 1600 square feet of floor space or a total expansion (whether the addition of units within an existing structure or added floor space or added floor space in additional buildings on the same lot) of 800 square feet after June 28, 1997.

Proposals for new construction of buildings and structures for campgrounds, rental cottages or cabins, motels or hotels, and multi family dwellings that exceed 2,500 square feet of floor space or additions in excess of 1,600 square feet of floor space either by addition of units within an existing structure or by expansion of an existing structure or by added floor space in additional buildings on the same lot. Such requirements of construction and addition shall be cumulative.

2. Proposals to convert residential uses to nonresidential uses other than those defined as home occupations, or to convert single family dwelling to multi-family dwellings.
 3. Proposals to pave, remove earth materials or grade areas of more than 15,000 square feet of non-vegetated area within a five year period.
- B. Change of use. A change in the use of land or structures that meets either of the following criteria shall require at least limited site plan review:
1. A proposed change in use that is located on a site or in a building that originally received site plan review; or
 2. A proposed change in use that is located on a site or in a building that meets the review thresholds in section 3.A.1 to 3.A.3, inclusive and is a use that would require site plan review if it were proposed as a new development.

Upon the request of the applicant, the Planning Board may waive any of the site plan review administration or submission requirements if the Planning Board determines that there will be no adverse effects on the neighborhood or the site and that the purposes of site plan review continue to be met. Any waiver shall be in writing and shall state the basis and reasons for granting the waiver.

A change in use requiring site plan review occurs when a project that is covered under Section 3.B.1, 3.B.2 or 3.B.3 above changes to a use that was not considered in the original site plan approval or, if there was no prior approval, changes to a use different from what was originally constructed or has historically been implemented. Examples include a change from an office to a retail store or from a retail store to an industrial use or from a retail store to a restaurant. A proposal to change one retail use to a different kind of retail use, such as a change from a drug store to a candy store or a convenience store would not be considered a change in use. A proposal to increase the number of residential units in a structure would be considered a change in use.

C. This ordinance does not apply to:

1. Construction of one detached single-family or one duplex dwelling on a lot and customary out buildings for the use of the residents thereof.
2. Construction of barns, stables and other agriculturally related buildings other than buildings for the purpose of processing agricultural related products.
3. Land management practices for agricultural or forestry purposes.

4. Legally existing buildings, structures and uses as they existed and to the extent they were used at the time of adoption of this Ordinance.
5. Home occupations, including yard sales.
6. Fairs, bazaars, sales and festivals, temporary in nature, conducted by nonprofit organizations.
7. All new and existing municipal facilities of the Town of Naples are exempt from Planning Board Review, but must meet all of the conditions as specified in the Ordinance and all other town ordinances.

No building permit shall be issued for any development requiring Site Plan Review until the plans, drawings, sketches and other documents required under this Ordinance have been reviewed and approved by the Planning Board.

Construction, site development and landscaping shall be carried out in accordance with the plans, drawings, sketches and other documents approved by the Planning Board unless altered with Planning Board approval. Nothing in this Section shall be construed to prevent ordinary maintenance and improvement of existing structures and facilities.

SECTION 4. ADMINISTRATION

The following procedures and requirements shall apply to all applications for Site Plan Review:

1. Prior to formal application, the applicant or his authorized agent may request a pre-application conference with the Planning Board or its designated staff to discuss the plan and its compliance with town standards. Comments made at such a meeting shall be advisory in nature. The Planning Board may request that the applicant arrange for a site inspection with the Board or one or more individuals appointed by the Board's Chairperson to act as the Board's representative.
2. All applications for Site Plan Review shall be made in writing to the Planning Board secretary on forms provided for this purpose. The application shall be made by the owner of the property or his agent, as designated in writing by the owner, and shall be accompanied by the payment of an application fee to cover the administrative costs of processing the application.
3. The Planning Board shall be empowered to administer applications fees as set by the Selectmen and listed in the Town of Naples Fee Schedule.
4. The Planning Board may require the applicant or his authorized agent to deposit in escrow funds sufficient to cover the costs for any professional review of the site plan documents which the Planning Board determines is reasonable

to protect the Town as authorized by the Town of Naples Land Use Fee Schedule. This escrow payment shall be made before the Planning Board engages any outside party to undertake this review and to make recommendations to the Planning Board. Any part of this escrow payment in excess of the final costs for the review shall be returned to the applicant or his agent.

5. At least fourteen (14) days prior to the Planning Board meeting at which the applicant wishes to be heard, the applicant shall submit a letter of intent to appear before the Planning Board.
6. Eight (8) copies of the completed application for Site Plan Review, together with the documentation required in these regulations shall be submitted at least fourteen (14) days prior to the Planning Board meeting at which the applicant wishes to be heard. However, any application which does not include the documentation required by these regulations will not be scheduled for review by the Planning Board and shall be re turned to the applicant by the Planning Board secretary with an indication of the additional information required.
7. Preliminary review of the application for completeness shall be done by the Code Enforcement Officer. The Planning Board shall be the ultimate authority on the completeness of an application and shall make a finding of fact during its initial review as to whether the application is complete. If the Board finds the application is incomplete, the Planning Board shall inform the applicant of what information is necessary to complete the application.
8. Prior to taking final action on any Site Plan Review application, the Planning Board may hold a public hearing to afford the public the opportunity to comment on the application. Notice of the date, time and place of such hearing shall be published in a newspaper of local circulation at least ten (10) calendar days prior to the public hearing meeting the requirements of 1 M.R.S.A., Section 60.
9. Within forty-five (45) days after the public hearing or sixty (60) days after receiving a complete application, the Planning Board shall either approve, approve with conditions, or disapprove the application. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.
10. When a development is subject both to Site Plan Review and to Subdivision Review, the Planning Board shall conduct a concurrent review. Procedures of the Subdivision Ordinance shall be used. Criteria and standards of the Site Plan Review Ordinance shall be employed in addition to the requirements improvements and standards of the Subdivision Ordinance.

SECTION 5. SUBMISSION REQUIREMENTS

A formal application for Site Plan Review shall contain at least the following exhibits and information:

- A. A fully executed and signed copy of the application for Site Plan Review; and, eight (8) copies of a site plan drawn at a scale sufficient to allow review of the items listed under Criteria and Standards, but not more than one hundred (100) feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
1. Owner's name, address and signature.
 2. Name and addresses of all abutting property owners plus a description of the project, to be used by the Planning Board to notify the abutters by certified mail of the proposed project, proof of mailing receipts to be kept on file at the Town Office. Owners of abutting properties shall be those listed in the most recent tax records of the Town of Naples.
 3. Perimeter survey of the parcel made and certified by a registered land surveyor relating to reference points showing true north point, graphic scale, corner of parcel, date of survey and total acreage.
 4. Total area of any land within 500 feet of the proposed project which is owner by the applicant.
 5. Zoning classifications(s) of the property and the location of zoning district boundaries if the property is located in tow or more zoning districts.
 6. Soil types and location of soil boundaries as certified by a registered engineer or certified soil scientist.
 7. The location of all building setbacks as required by the Town Ordinances.
 8. The location, size and character of all signs and exterior lighting.
 9. The lot area of the parcel, street frontage and the Town Ordinances requirements for minimum lot size and frontage.
 10. The location of all existing and proposed buildings (including size and height), driveways, sidewalks, parking spaces, loading areas, open spaces, large trees, open drainage courses, signs, exterior lighting, service areas, easements and landscaping.

11. The location of all buildings within fifty (50) feet of the parcel to be developed and the location of intersecting roads or driveways within 200 feet of the parcel.
 12. Existing and proposed topography of the site at two (2) foot contour intervals if major changes to the existing topography are being proposed.
 13. All surface water features within 500 feet of the project boundaries, including perennial streams and wetlands.
 14. Location and dimensions of on-site pedestrian and vehicular access ways, parking areas, loading and unloading facilities, design of entrances and exits of vehicles to and from the site on to public streets, curb and sidewalk.
 15. Location of all wells and septic systems within 150 feet of the property boundary.
 16. Existing land cover and vegetation conditions.
 17. Drainage plan to describe the location and size of road culverts, road drainage ditches, phosphorus and runoff control measures and other similar features.
 18. If the site is not to be served by a public sewer line, then an on-site soils investigation report by a Department of Human Services licensed site evaluator shall be provided.
 19. A list of waivers of any town requirements or ordinance provisions requested.
 20. A statement from the Fire Chief that the property is accessible by present fire apparatus and detailing any additional on-site fire protection facilities required.
- B. A soil and erosion control plan approved by the Cumberland County Soil & Water Conservation District, showing:
1. The existing and proposed method of handling stormwater run-off.
 2. The direction of flow of the run-off through the use of arrows.
 3. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 4. Engineering calculation used to determine drainage requirements based upon a 25 year storm frequency, if the project will significantly alter the existing patterns due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed.

C. Phosphorus Analysis.

1. A phosphorus analysis is required if proposed project is within the Shoreland Zone or the non-vegetated area exceeds 40,000 square feet.
2. The analysis of phosphorus loading shall utilize the methods contained in the latest revised edition of the manual Phosphorus Control in Lake Watersheds, published by the Maine Department of Environmental Protection, and shall require third party review.

D. A utility plan showing provisions for water supply and waste water disposal including the size and location of all piping, holding tanks, leach field, etc.

E. Building plans showing plans of all floors and all elevations.

F. Copies of any proposed or existing easements, covenants and deed restrictions.

G. A description and design of proposed temporary and permanent signs, including location, size and lighting.

H. Copies of all required state approvals and permits, provided however, that the Planning Board may approve site plans subject to the influence of specific state licenses and permits in cases where it is not feasible for the applicant to obtain at the time of Site Plan Review.

The Planning Board may waive any of these requirements when the Board determines that the scale or nature of the project is of a size that makes the information unnecessary.

SECTION 6. CRITERIA AND STANDARDS

The following criteria and standards are to be used by the Planning Board in judging applications for Site Plan Review and shall serve as minimum requirements for approval of a site plan. In all instances, the burden of proof shall be on the applicant to demonstrate compliance with each standard.

- A. **Preservation of Landscape:** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation when and where desirable, and keep any grade changes in character with the general appearance of neighboring areas. Existing vegetation, buffering, landscaping and building siting are potential methods of preserving scenic vistas.
- B. **Relation of Proposed Building to the Environment:** proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity which have a visual relationship to the proposed building. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type and drainage courses.

Architectural features of the proposed structures shall be considered for all developments fronting on Route 302 from the fire station to the Crooked River Bridge to conform as close as practical to existing structures in the surrounding area.

- C. **Vehicular Access:** The proposed layout of access points shall be designed so as to avoid adverse impact on existing vehicular and pedestrian traffic patterns. The proposed site layout shall give special consideration to the location, number and control of access points, adequacy of adjacent streets, traffic flow, sight distances, turning lanes, pedestrian-vehicle contacts and existing or proposed traffic signalization shall be considered.
- D. **Parking and Circulation:** The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall provide interior-circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas. These facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.
Sufficient off street parking must be provided for both employees and customers of the newly constructed facility. All parking areas must be set back a minimum of 10 feet from the property line on any State numbered route.
- E. **Surface Water Drainage:** Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream conditions or the public storm drainage system and shall be held to a zero percent or less off-site increase after development. On-site absorption shall be utilized to minimize discharges whenever possible. All drainage calculations shall be based on a twenty-five (25) year storm frequency.
- F. **Utilities:** The site plan shall show what provisions are being proposed for water supply and wastewater disposal. Electric, telephone and other utility lines shall be installed underground unless the Planning Board waives this requirement as on a determination that underground placement is not possible because of site conditions. Any utility installations above ground shall be located so as to have a harmonious relationship with neighboring properties and the site.
- G. **Advertising Features:** The size, location, design, color, texture, lighting and material of all exterior signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- H. **Special features:** A buffer zone shall be required between commercial and residential properties using plantings or other screening methods as shall be reasonably required to prevent the commercial use from being incongruous with the existing or contemplated environment and the surrounding properties. The Planning Board may require buffer zones between commercial properties where differences in the use of the properties or the natural features of the properties make buffers

appropriate. All buffers and screening must be maintained indefinitely by the property owner.

- I. **Exterior Lighting:** All exterior lighting shall be designed to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.
- J. **Emergency Vehicle Access:** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures at all times.
- K. **Landscaping:** Landscaping shall be designed and installed to define, soften or screen the appearance of off-street parking areas from the public right-of-way and abutting properties, to enhance the physical design of the building(s) and site, and to minimize the encroachment of the proposed use on neighboring land uses. Particular attention should be paid to the use of planting to break up parking areas. Landscaping shall be provided as part of the overall site plan design and integrated into building arrangements, topography, parking and buffering requirements. Landscaping may include trees, bushes, shrubs, ground cover, plants, grading and the use of building and materials in an imaginative manner. All landscaping and buffer areas required by the Planning Board to be on the site plan must be maintained by the applicant and successor owners and/or occupants.
- L. **Environmental Considerations:** Adequate provision shall be made to control noise, vibrations, smoke, heat, glare, fumes, dust, toxic matter, odors and electromagnetic interference generated by proposed uses or activities on the site such that these impact shall not be readily detectable at any point along lot lines so as to produce a public nuisance or hazard.
- M. **Signs:** Areas outside of the Shoreland Zoning District shall comply with following: One free-standing sign per property is permitted. Free-standing signs shall have a maximum surface area of thirty-two (32) square feet per sign face per property where posted speed limits are less than thirty-six (36) miles per hour and a maximum of sixty-four (64) square feet per sign face per property where posted speed limits exceed thirty five (35) miles per hour. The maximum height for free-standing signs shall be twenty (20) feet. For each business in excess of three (3) located on a single property parcel, an additional nine (9) square feet sign area per business shall be allowed.
- N. **Municipal Services:** The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, emergency medical unit, solid waste program, schools, municipal services and facilities.

- O. **Air Pollution:** Will not result in undue air pollution. In making this determination, the applicant shall, if require by the Planning Board, consult federal and state authorities to determine applicable air quality laws and regulations, and furnish such evidence to the board.
- P. **Noise Levels:** Will not violate any noise control provisions in effect in the Town of Naples or the State.

SECTION 7. GENERAL PROVISIONS

- A. The Planning Board may modify or waive any of the application requirements or performance standards when the Planning Board determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety and welfare of the Town. If any waivers or exceptions are granted they must be listed on the final plan.
- B. The Planning Board may require the filing of a performance bond, a certified check payable to the Town, an irrevocable letter of credit or the execution of a conditional agreement assuring the applicant's performance of the applicant's obligations under its permit. Such measures may be required to properly completion of some or all site improvements including, but not limited to roads, parking areas, sewage systems, water llines, open areas, and sedimentation and erosion control systems.
- C. The Planning Board shall require the applicant or the applicant's authorized agent to deposit in escrow with the Town an amount of money to cover the costs for any professional review of the site plan documents which the Board may feel is reasonably necessary to protect the environmental quality or general welfare of the Town. Maximum amounts for this escrow payment shall be established by the Board of Selectmen. This escrow payment shall be made before the Board engages any outside party to undertake this review and make recommendations to the Board. any part of this escrow payment is excess of the final costs for review shall be returned to the owner or the owner's agent. Amount to be deposited shall be shown on the Fee Schedule in accordance with The Naples Planning Board Land Use Fee Schedule..
- D. Any proposed development shall be in conformity with the Comprehensive Plan of Naples and with the provisions of all local codes or regulations or any State Law which the municipality is responsible for enforcing.

SECTION 8. GENERAL REGULATIONS

- A. The following regulations shall be complies with in addition to the performance standards contained in Section 6, Criteria and Standards, of this Ordinance for residential, institutional, industrial and commercial developments.
1. All uses requiring federal, state and/or local licensing shall obtain such license before a Site Plan Review Permit is granted by the Planning Board.
 2. The Planning Board, as a condition of approval, may require assurances to protect the health, safety and general welfare of the community.
 3. Any industrial or commercial use proposed by an applicant may be authorized only if the Planning Board finds that the specific industrial or commercial use as proposed will have no more significant effect upon abutting or nearby land and its existing uses than other similar industrial or commercial uses of the same category as defined by local, state, and federal codes and guidelines.

SECTION 9. ENFORCEMENT

- A. Nuisances. Any violation of this Ordinance or any condition placed on a site plan approval shall be deemed to be a nuisance.
- B. Permit Required. No person shall engage in any use of land requiring a permit under the provisions of this Ordinance after the effective date of this Ordinance without first obtaining the required permit.
- C. Code Enforcement Officer. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. if the Code Enforcement officer shall find that any provision of this Ordinance or any condition of site plan approval is being violated, he or she shall notify by registered mail the person or persons responsible for such violation, indicating the nature of the violation and order the action necessary to correct it, including discontinuance or illegal use of land, buildings, or structures, and abatement of nuisance conditions and establishing a date by which the action shall be taken, provided that if reasonable progress is being made to comply, the Code Enforcement Officer may extend the deadline for compliance. A copy of such notices shall be maintained as a permanent record.
- D. Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the municipal officers, upon notice from the Code Enforcement Officer, are hereby required to institute any and all actions for injection of violations and the imposition of fines, that may be necessary to enforce the provisions of this Ordinance in the name of the Town.
- E. This Ordinance is a land use ordinance and shall be enforced in the manner specified in 30-M.R.S.A., Subsection 4452. Any person or corporation who shall violate any of

the provisions of this Ordinance or fail to comply with any of the requirements thereof, shall upon conviction be punished by a fine of not less than \$100 nor more than \$2,500, and each day on which such violation(s) continue shall constitute a separate offense. The failure to comply with any condition imposed on a Site Plan Approval by the Planning Board shall be deemed a violation of this Ordinance.

SECTION 10. EXPIRATION OF NOTICE OF DECISION

- A. Following the issuance of a Notice of Decision, if no substantial start is made in construction or in the use of the property within one year of the date of the Notice, the Authority granted in the Notice of Decision shall lapse and become void. One-year extensions may be granted by the Planning Board, in its sole discretion, only upon written application by the owner of the property.

SECTION 11. VALIDITY AND SEPARABILITY AND CONFLICT WITH OTHER ORDINANCES

- A. Validity and Separability. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
- B. Conflict with Other Ordinances. Whenever the requirements of this Ordinance are inconsistent with the requirement of any other ordinance, code or statute, the more restrictive requirement shall apply.

SECTION 12. APPEALS

If the Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or to any abutting landowner or other aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent and meaning of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, any abutting landowner, or other aggrieved party may appeal the decision of the Planning Board in writing to the Board of Appeals within 30 days after the Planning Board's decision is rendered. The Board of Appeals may reverse the Planning Board's decision after holding a public hearing, and upon application therefore, may grant a variance upon making a finding of undue hardship as defined in 30-A M.R.S.A. §4353(4). Public hearings shall be held according to Title 31A, M.S.R.A., Section 2691.

SECTION 13. AMENDMENTS

This ordinance may be amended by a majority vote at any town meeting.

NAPLES PLANNING BOARD

1992 PHOSPHORUS REVIEW

LAKE	PROTECTION LEVEL LBS/ACRE/YR.	FAD LEVEL % DEV AREA
SEBAGO	.50	50%
PEABODY	1.0	50%
BRANDY	.75	35%
HOLT	1.25	35%
LONG	.75	35%
TRICKEY	.50	35%
COLD RAIN	1.0	35%

The above numbers represent the combination of the discussion between the Planning Board and the DEP, LEA, PWD and George Sawyer.

As adopted by the Naples Planning Board
on January 5, 1993

Current phosphorus control standards are on file with the Code Enforcement Officer.

TOWN OF NAPLES
SPECIAL AMUSEMENT ORDINANCE
Adopted at Town Meeting June 27, 1998
Amended: June 11, 2002
Amended: June 8, 2011
Attested by Town Clerk



ARTICLE I
TITLE, AUTHORITY & PURPOSE

Section 1.1 TITLE

This ordinance shall be known and may be cited as Town of Naples, Special Amusement Ordinance.

Section 1.2 AUTHORITY

This ordinance is enacted pursuant to the authority granted in Title 28-A, Section 1054 of the Maine Revised Statutes and the home rule power conferred by Article VIII, part second of the Maine Constitution and Title 30-A, Sections 2101, 2109 and 3001 of the Maine Revised Statutes.

Section 1.3 PURPOSE

The purpose of this ordinance is to control the issuance of special permits for music, dancing or entertainment inside or outside of facilities licensed by the State of Maine to sell liquor as required by 28A MRSA Section 1054.

ARTICLE II
GENERAL

Section 2.1 PERMIT REQUIRED

No licensee for the sale of liquor to be consumed on their licensed premises shall permit, on their licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the Town of Naples a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant, the

applicant's residence, address, the name of the business to be conducted, the business address, the nature of the business, and the location to be used. The application shall state whether the applicant has ever had a license to conduct the business herein described or a similar business that was either revoked or denied. If so, the applicant shall describe those circumstances specifically, whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued under this ordinance, if the premises and building to be used for the purposes do not fully comply with all ordinance, articles, bylaws, appropriate fire codes, rules and regulations, of the Town of Naples and State law.

The fee for a special amusement permit shall be \$75 dollars per year, prorated from date of issuance.

A permit shall be valid only for the license year of the applicant's existing liquor license.

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within fifteen (15) days, or such other number of days as the legislature may specify, from the date the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate Town of Naples ordinances, articles, by laws, rules and regulations or state law. The municipal officers may not grant a permit to any person, individual, partnership, firm, corporation or other legal entity that is required by Title 28-A of the Maine Revised Statutes to apply to the State for any liquor license or permit, but that does not hold a current valid liquor license.

Section 2.2 INSPECTIONS

Whenever inspections of the premises used for or in connection with the operation of the licensed business which has obtained a special amusement permit are provided for or required by municipal ordinance, articles, bylaws, rules and regulations, or state law, or are reasonably necessary to secure compliance with any of the above, it shall be the duty of the

licensee, their employee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee, of the Town of Naples authorized to make the inspection at any reasonable time that admission is requested.

The inspection shall be proceeded by a written demand for inspection, which shall specify the date and time inspection is sought. The written demand shall be delivered to the licensee, their employee, or the person in charge of the premises to be inspected by certified mail or in person at the time it is sought to make the inspection.

In addition to any other penalty which may be provided, the municipal officers may revoke, after public notice and hearing, the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee, while in the performance of their duty.

Section 2.3 SUSPENSION OR REVOCATION OF PERMIT

The municipal officers may, after notice to the holder of the permit; public notice and hearing, suspend, or revoke any special amusement permit which has been issued under this ordinance on the grounds that the music, dancing, or entertainment, so permitted, or activities related thereto, constitute a detriment to the public health, safety, or welfare or violates any municipal ordinances, articles, bylaws, appropriate fire code, rules and regulations or state laws.

Section 2.4 RULES AND REGULATIONS

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes or permits, the music, dancing, or entertainment permitted under each class and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises; the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this ordinance.

Section 2.5 PERMIT AND APPEAL PROCEDURES

- A. Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days, or such other number of days as the

legislature may specify, from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within thirty (30) days, or such other number of days as the legislature may specify, after an application for a permit, which has been denied.

- B. Any licensee who has requested a permit and has been denied or whose permit has been revoked or suspended may, within thirty (30) days of the denial, suspension, or revocation, appeal the decision to the Naples Board of Appeals as defined in and pursuant to 30A, MRSA 2691. The Naples Board of Appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety or welfare or that the denial, revocation or suspension, was not based by a preponderance of the evidence on a violations of any municipal ordinance, article, bylaw, appropriate fire codes, rule or regulation or State law.

Section 2.6 ADMISSION

A licensee who has been issued a special amusement permit may charge admission in designated areas approved by the Naples special amusement permit.

Section 2.7 LIVE ENTERTAINMENT REGULATION

The purpose of this section is to regulate nudity as a form of live entertainment in those establishments at which alcoholic beverages are served or consumed, and which are licensed under this ordinance.

No licensee shall permit entertainment on the licensed premises whether provided by professional entertainer(s), employees of the licensed premises, or any other person, when the entertainment involves:

- A. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
- B. The actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus or genitals.
- C. The actual or simulated displaying of the genitals, pubic hair, buttocks, anus, or any portion of the female breasts at or below the areola area thereof.

- D. The permitting by any licensee of any person to remain in or upon the licensed premises who exposes to any public view any portion of his or her genitals or anus or female breasts below the areola area thereof.

For purposes of this section, “display” or “displaying” and “expose” or “exposing” shall mean being unclothed or uncostumed or not covered by a fully opaque cloth or textile material or to employ any device or covering which is intended to give the appearance of or to simulate the genitals, pubic hair, buttocks, anus or the portions of the female breasts at or below the areola area thereof.

ARTICLE III PENALTY, SEPARABILITY & EFFECTIVE DATE

Section 3.1 PENALTY

Whoever violates any of the provisions of this ordinance shall be punished by a fine of not less than five hundred (\$500) dollars for each offense. The penalty provided in this Section 3.1 shall be in addition to any other penalty provisions provided within this ordinance, and shall be in addition to all other remedies to the Town of Naples at law and in equity. The provisions of this ordinance shall be enforced by the Code Enforcement Officer or other representative authorized by the Town of Naples. Each day that a violation exists or continues shall be considered a separate offense. All fines shall be payable to the Town of Naples. Refusal to comply with a stop order issued by an authorized representative of the Town of Naples will be punishable by an automatic fine of ten thousand dollars (\$10,000).

Section 3.2 SEPARABILITY

The invalidity of any provision of this ordinance shall not invalidate any other provision.

Section 3.3 EFFECTIVE DATE

The effective date of this ordinance shall be when enacted by the Town of Naples. Enacted June 27, 1998.

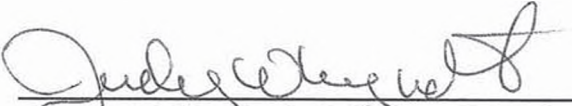
TOWN OF NAPLES

STREET VENDORS AND OCCUPANCY OF STREETS AND PUBLIC LAND

ADOPTED: JUNE 5, 2013

Amended: June 4, 2014

Attested:



Judy Whynot, Town Clerk

**THE TOWN OF
NAPLES ORDINANCE REGULATING STREET VENDORS AND OCCUPANCY OF
STREETS AND PUBLIC LANDS**

Town of Naples Ordinance Regulating Street Vendors and Occupancy of Streets and Public Lands

**ARTICLE I
GENERAL**

Section 1.1 TITLE

This Ordinance shall be known and may be cited as the Town of Naples Ordinance Regulating Street Vendors and Occupancy of Streets and Public Lands.

Section 1.2 AUTHORITY

This Ordinance is enacted pursuant to the home rule powers conferred by Article VIII, part Second of the Maine Constitution, and Title 30-A, Sections 2101, 2109, and 3001 to 3014 of the Maine Revised Statutes Annotated; and also pursuant to the authority granted by the State of Maine, Department of Transportation in an agreement dated September 10, 2010, and October 4, 2010, with Section F granting the Town of Naples the right and responsibility to use and regulate all public areas located outside the curb of State Project Identification Number 0011060.00.

Section 1.3 PURPOSE

The purpose of this Ordinance is to regulate street vending and other activities on property owned or under the control of the Town of Naples and street vending on private property in order to create a vibrant, attractive and diverse use of the Town's commercial areas and green spaces.

Section 1.4 DEFINITIONS

The definitions used in this section are specific to this Ordinance. The other words used in this Ordinance shall have the meaning provided by the Town of Naples Definitional Ordinance or Webster's Dictionary, unless the context clearly dictates another meaning or interpretation.

Artist means a person creating works of art, or selling, offering to sell, or displaying for sale, works of art created by the artist who is offering it for sale.

Ice cream truck means a motorized vehicle utilized for the sale of ice cream, gelato, Italian ice or frozen yogurt products or novelties.

Kiosk means a small, light structure with one or more open sides.

Mobile food service establishment means an establishment that stores, prepares, serves, or sells food for human consumption and is capable of movement on a daily basis, having all facilities contained within the unit and is not fixed to a location for operation or transaction of business.

Performance Artist means a person engaged in performance activity on public property for the purpose of providing public entertainment and self-expression, such as playing a musical instrument, dancing, singing, pantomime, juggling or magic.

Street vendor means a person, excluding artists and performance artists, who is engaged in selling or offering to sell goods, services, food or beverages, out of doors on public or private property. The following activities are exempted from the definition of Street Vendor:

- Display of merchandise for sale on private property outside of a principal or accessory fixed building utilized for the sale of such merchandise;
- Yard sale on residential property;
- Sale of household items on residential property; and
- Produce stand on residential property

Street, except where the language is more specific, means any public street, sidewalk, alley, path, park, playground or other Town-owned or Town-controlled property, or any portion thereof, which is open for use by the public as a matter of right or privilege.

Works of Art means materials or objects with expressive content such as paintings, prints, photography or sculpture.

Section 1.5 INSURANCE & INDEMNIFICATION REQUIRED

A. Insurance.

All persons who receive a license from the Town pursuant to this Ordinance shall be required, to the Town's satisfaction, to maintain in full force and effect at all times, a policy of comprehensive public liability insurance with limits of no less than \$400,000 for bodily injury, death and property damage, naming the Town of Naples as additional insured. A certificate of insurance must be provided before a street vendor's license is issued.

B. Indemnification.

All persons who receive a license from the Town pursuant to this Ordinance shall be required to defend, indemnify and hold the Town harmless from any claims resulting from licensed activities.

ARTICLE II STREET VENDORS AND ARTISTS

Section 2.1 LICENSES

A. Street vendor's license required.

- (1) With the exception of the activities described in Section 2.1.B, all street vendors are required to have a license from the Town.
- (2) Street vendor's licenses shall be issued for a period of one year.

B. License not required for certain activities.

No street vendor's license shall be required for:

- (1) Conducting business on Town-owned property pursuant to a lease, contract, or other agreement with the Town;
- (2) Operating a licensed farmer's market stall;
- (3) Activities conducted by Municipal departments.

- (4) The sale of goods, services, food or beverages within the boundaries of a Town-approved street festival, sidewalk sale, or other special event with the permission of the event organizer

C. Compliance with regulations.

Street vendors exempted from the license requirement must still comply with all federal, state and local laws and ordinances and with any time, place and manner restrictions applicable to licensed street vendors such as, for example, hours of operation. Any license issued under this Ordinance shall contain such terms, conditions and restrictions as the Municipal Officers shall require. Said licenses may be subject to such terms and conditions as the Municipal Officers or their designee deem advisable, including restrictions on the time, place and manner of operation.

D. Revocation.

Licenses authorized under this Ordinance may be revoked at any time for cause by the Municipal Officers or their designee upon actual notice to the holder and an opportunity to be heard.

E. Abandoned License.

Street vendors operating on public or private property pursuant to an annual license shall be deemed to have abandoned the license upon an absence from the designated location for a period of two consecutive weeks. Upon such abandonment, the Town may revoke the license and, if on public property, may assign the designated vendor location to another qualified applicant.

Section 2.2 STREET VENDORS ON PUBLIC PROPERTY

The following provisions shall apply to street vendors operating on property owned or controlled by the Town.

A. Location.

- (1) The Town may establish designated street vendor locations on public property for assignment to qualifying applicants through the issuance of annual licenses.
- (2) There may be a limited number of street vendor locations established by the Town.
- (3) In the event that the Town receives more qualified applicants than available street vendor locations, the Town shall create a waiting list for said qualified applicants and administer the waiting list in a manner that is in the best interest of the Town.

B. Operation.

- (1) Street vendors shall operate in compliance with this Ordinance, with any rules or regulations adopted by the Municipal Officers, and with any license conditions.
- (2) Street vendors shall operate only from a designated vendor location established by the Town, pursuant to an annual license approved by the Municipal Officers.
- (3) Street vendors shall operate only from a kiosk that is approved by the Town and shall display at all times a numbered license issued by the Clerk's office.
- (4) No license issued under the provisions of this Ordinance shall be used at any time by any person other than to whom it was issued.
- (5) Unless otherwise authorized by the Town, the kiosk shall be removed at the end of each day and the space shall be cleaned of all debris.

- (6) The kiosk shall be removed when necessary for Town maintenance of public property, including but not limited to mowing, watering and maintaining grass and vegetation. Kiosks may be temporarily relocated to alternate open space during such maintenance periods.

C. Sale of goods.

Street vendors who sell or offer to sell goods or services are prohibited from using any equipment or selling or offering to sell any goods or services not specifically authorized by the license and shall not operate in any manner that would constitute an unfair or deceptive trade practice under state law.

D. Sale of food or beverages.

- (1) The sale of food or beverages by street vendors shall only be permitted from a fully licensed mobile food service establishment.
- (2) Street vendors shall provide approved waste paper receptacles for use by customers, shall maintain the immediate area free of litter generated by customers, and shall arrange for proper disposal of waste.
- (3) The sale of food or beverages from food trucks is prohibited.

E. Street festivals, sidewalk sales and special events.

- (1) Street vendors licensed for operation on public property may operate in their designated vendor locations within and during street festivals, sidewalk sales or other special events.
- (2) Street vendors operating within the boundaries of a Town-approved street festival, sidewalk sale or other special event, with permission of the event organizer, are not required to obtain a street vendor's license.

F. Ice Cream Trucks.

- (1) No ice cream truck shall stop at any time for the purpose of making sales on or along that portion of Route 302 between Goodridge Drive and Lake House Road, commonly known as the Causeway.
- (2) No ice cream truck shall stop at any time for the purpose of making sales if such stop is located within five hundred (500) feet of a licensed fixed or mobile food service establishment.
- (3) No ice cream truck shall stop for the purpose of making sales if such stop prevents the safe passage of other motor vehicles on the public street.

Section 2.3 STREET VENDORS ON PRIVATE PROPERTY

The following provisions shall apply to street vendors operating on private property.

A. Location.

Street vendors shall only operate in the Commercial and Village Districts.

B. Operation.

- (1) Street vendors shall operate in compliance with this Ordinance, with any rules or regulations adopted by the Municipal Officers, and with any license conditions.
- (2) Street vendors shall only operate pursuant to an annual license approved by the Municipal Officers.

- (3) Street vendors shall display at all times a numbered license issued by the Clerk's office.
- (4) No license issued under the provisions of this Ordinance shall be used at any time by any person other than to whom it was issued.

C. Sales and display area.

- (1) Street vendors shall operate in an area located entirely on private property and no more than one hundred (100) square feet, with a display area not exceeding fourteen feet (14') in height.
- (2) Individual street vendors shall be separated by no less than twenty-five feet (25').
- (3) Unless otherwise authorized by the Town, merchandise shall be removed at the end of each day and the sales area cleaned on a daily basis.
- (4) The owner of the property shall provide toilet facilities to the vendor.

D. Sale of goods.

Street vendors who sell or offer to sell goods or services are prohibited from using any equipment or selling or offering to sell any goods or services not specifically authorized by the license and shall not operate in any manner that would constitute an unfair or deceptive trade practice under state law.

E. Sale of food or beverages.

- (1) The sale of food or beverages by street vendors shall only be permitted from a fully licensed mobile food service establishment.
- (2) Street vendors shall provide waste paper receptacles for use by customers, shall maintain the immediate area free of litter generated by customers, and shall arrange for proper disposal of waste.
- (3) The sale of food or beverages from food trucks is prohibited.

Section 2.4 ARTISTS

Artists and performance artists shall operate in compliance with this Ordinance and with any rules or regulations adopted by the Municipal Officers.

A. Display.

Artists and performance artists shall not create, perform, sell or display art:

- (1) Within any area designated by the Municipal Officers for a sidewalk sale, street festival, farmers' market, or other special event, except as authorized by the Municipal Officers;
- (2) On any sidewalk or in any other location so as to impede the free passage of vehicles or pedestrians, obstruct the entrance to or exit from private property, jeopardize public safety, or otherwise inconvenience the public;
- (3) On a public street or on public benches, monuments or structures; or
- (4) In a manner that uses private property to display artwork without the permission of the property owner.

Section 2.5 PROHIBITED OPERATIONS

A. Location of operations.

No street vendor shall operate:

- (1) On public property, outside designated vendor locations establish by the Town, except during festivals or other special events approved by the Municipal Officers;
- (2) Within fifty feet (50') of any fixed-base retail establishment offering the same or substantially similar goods or services, except during festivals or other special events approved by the Municipal Officers; or
- (3) On any sidewalk or in any other location so as to impede the free passage of vehicles or pedestrians, obstruct the entrance to or exit from private property, jeopardize public safety, or otherwise inconvenience the public.

B. Licensed persons.

No license issued under the provisions of this Ordinance shall be used at any time by any person other than to whom it was issued.

C. Hours of operation.

No street vendor shall operate between the hours of 12:00 a.m. and 8:00 a.m. No artist shall display or sell works of art on public property between the hours of 12:00 a.m. and 8:00 a.m. No performance artist shall perform on public property between the hours of 12:00 a.m. and 8:00 a.m.

D. Generators.

The use of generators by street vendors shall be prohibited.

Section 2.6 APPLICATION

A. Contents of application.

Applicants for a street vendor's license under this Ordinance must file with the Municipal Officers a sworn application in writing on a form to be furnished by the Town Clerk, which shall supply, at a minimum, the following information:

- (1) Name and business description of the applicant.
- (2) Address (legal and local).
- (3) A brief description of the nature of goods, services, food or beverages to be sold.
- (4) The length of time for which the license is desired.
- (5) If a vehicle is to be used, a description of the same, with proof of current registration and insurance.
- (6) A current photo ID.
- (7) Proof of current Maine resale certificate, where applicable.
- (8) If on private property, the name of the property owner, location, and written permission from the property owner.
- (9) If on private property, a description of the sales area location and dimensions.
- (10) A description and design of any kiosk and its dimensions.
- (11) Proof of required state and local licenses and approvals for mobile food service establishments.

B. When filed.

The application shall be filed with the Municipal Officers not less than 60 days nor more than 120 days before the date on which it is proposed to commence street vending operations.

C. Application fee.

- (1) At the time of filing the application, an application fee in the amount of \$100 shall be paid to the Town Clerk:
- (2) +Non-profit organizations are exempt from the application fee.
- (3) The Municipal Officers may waive application fees in their sole discretion.

D. License Fee.

- (1) Within seven (7) days of approval of an application by the Municipal Officers, the following license fees shall be paid to the Town Clerk:
 - a. \$2,000 per year, or any portion thereof, for use of designated vendor locations on public property.
 - b. \$500 per year, or any portion thereof, for street vendors on private property.
- (2) Non-profit organizations are exempt from the license fee.
- (3) The Municipal Officers may waive license fees in their sole discretion.
 - a. Applicants seeking a fee waiver shall submit a waiver request to the Municipal Officers for their consideration.
 - b. In determining whether to grant a fee waiver request, the Municipal Officers shall consider whether the fee is disproportionate to the type of use proposed for the space.

E. One license per applicant.

Street vendors licenses shall be limited to one per applicant.

Section 2.7 LICENSE AND APPEAL PROCEDURES

A. Public hearing.

The Municipal Officers shall, prior to granting a license and after reasonable notice to the municipality and the applicant, hold a public hearing at which the testimony of the applicant and that of any interested members of the public shall be taken.

B. Notification of denial or approval.

Any applicant requesting a street vendor's license from the Municipal Officers shall be notified in writing of the Municipal Officers' decision no later than fifteen (15) days after the decision. In the event a license is denied or approved with conditions, the applicant shall be provided with the reasons for denial or conditions in writing. The applicant may not reapply for a license within thirty (30) days after an application for a license that has been denied.

ARTICLE III
OCCUPANCY OF PUBLICLY OWNED OR CONTROLLED LANDS

Section 3.1 PUBLIC PROPERTY OCCUPANCY LICENSE.

A. Authorization required for occupancy of streets.

- (1) No person shall place or cause to be placed in or on, or shall suspend over, any street in the Town any article or thing whatsoever, including but not limited to buildings, structures, tables or merchandise except as duly authorized by the Municipal Officers. The Town is in no way required or obligated to grant such authorization, and any authorization will take into consideration its effects on public health, safety, welfare and aesthetics of the Town. Authorizations are nontransferable and not assignable. All Federal, State or local permits or licenses must be in place and in good standing at all times of operations.
- (2) The Municipal Officers or their designee are hereby authorized to issue revocable licenses for the location, protection, maintenance and use of articles, structures, trees, and other installations placed in, on, above, or beneath streets or other public property, upon receipt of proof of insurance in a form and in an amount satisfactory to the town.
- (3) This section shall not apply to a table or other structures used by:
 - Artists to create or sell works of art;
 - Persons engaged in an activity protected by the First Amendment to the United States and Maine Constitutions, including but not limited to the distribution of political or religious literature or the gathering of signatures on petitions.
- (4) Business owners may not place benches or flower pots on Town sidewalks or in public spaces without obtaining authorization from the Municipal Officers.

B. Outdoor dining license required.

- (1) No person shall expand a food service establishment to the outside on any street, way or public place in the Town except under a duly authorized outdoor dining license issued by the Municipal Officers.
- (2) The Municipal Officers or their designee is hereby authorized to issue revocable licenses for outdoor dining in Town parks or other Town owned or controlled spaces.
- (3) The Municipal Officers are further authorized to promulgate such other regulations as may be required for outdoor dining on streets, ways or other public places.

Section 3.2 FESTIVALS AND SPECIAL EVENTS

A. Nonprofit and for profit sponsors of special events.

Organizations (private, nonprofit, or for profit) wishing to use public property for festivals or other special events shall apply to the Town for a permit pursuant to the Town of Naples Outdoor Entertainment Ordinance. As part of the application process, the applicant shall describe the intended properties that will be used as part of the event as well as any vendors that may participate during the event.

B. Festival area designated; permission from festival organizer required.

The Municipal Officers may designate an area for a street festival or other special event. Street vendors, other than those operating pursuant to an annual license for a designated vendor location, must obtain the permission of the festival organizer to conduct business

within the festival area. Said street vendors operating within the festival boundaries shall not be required to obtain a street vendor's license.

Section 3.3 FARMERS' MARKET

A. Farmers' Market Stalls.

Persons wishing to operate a stall during a Town Farmers' Market shall apply to the Town for authorization.

B. Farmers' Market Rules.

The Municipal Officers are hereby authorized to promulgate from time to time such reasonable rules and regulations governing the Town Farmers' Markets.

Section 3.4 PROHIBITIONS

A. Vehicle restrictions.

No vehicle engaged in the conveyance of passengers over regular routes shall be operated on any roadways within public parks except those that may be designated for such purposes by the parks authority.

B. Vandalism prohibited.

No person shall in any manner cut, mar, deface, injure or destroy any growth, buildings, fences or other structures in or upon streets or public property.

C. Littering prohibited.

No person shall deposit or leave refuse of any kind in or upon any of the parks or public grounds except in containers specifically provided for such refuse.

D. Skating, skateboarding or bicycling.

Skating, skateboarding or bicycling shall not be allowed on any portion of the areas known as the Boardwalk or sidewalks in areas designated as the Causeway.

Section 3.5 FEES FOR STREET OCCUPANCY

A. Fees for licenses issued under this Article.

(1) Objects including but not limited to tables, chairs, barricades, bollards, planters and benches:

- Twenty dollars (\$20.00) per item, per year or any portion thereof

(2) Use of Town owned or controlled property (including but not limited to festivals, events, promotions, demonstrations, parades, marches, road races, walkathons, fundraisers, press, conferences, rallies, protests, sampling, poll taking, banners and public displays):

- fee as provided by annual order of the Town Municipal Officers

- (3) Fees for the issuance of a revocable outdoor dining license and for the use of public property to sell merchandise or display merchandise for sale.
- a. Application fee of one hundred dollars (\$100) to be submitted with the application.
 - b. License fee of two thousand dollars (\$2,000.00) to be submitted within seven (7) days of approval of the application by the Municipal Officers. This fee shall be paid one time by all property owners occupying public property for private use on the effective date of this ordinance, and property owners that occupy new areas of public property for private use. The license fee shall be accompanied by a plan depicting the area of public property to be occupied which must be submitted to the Board of Selectmen for approval. Upon the sale or lease of the property, the new owner or lessee shall pay the license fee if the new property owner or lessee continues to occupy public property,
 - c. Annual license fee of four dollars (\$4.00) per square foot of public land area.
-

B. Waiver.

- (1) The Municipal Officers may waive license fees in their sole discretion .
- (2) Applicants seeking a fee waiver shall submit a waiver request to the Municipal Officers for their consideration.
- (3) In determining whether to grant a fee waiver request, the Municipal Officers shall consider:
 - a. Whether the fixed business seeking the waiver was in existence prior to the enactment of this ordinance.
 - b. Whether the fixed business seeking the waiver has a sufficient amount of private property on which to locate outdoor dining or display merchandise for sale.
 - c. Whether the tables, chairs, benches or other items requiring an occupancy permit for location on public property are providing a public improvement or convenience.

ARTICLE IV
ENFORCEMENT, APPEALS AND PENALTIES

Section 4.1 ENFORCEMENT AND PENALTIES

A. Authorization of Code Enforcement Officer and Town Manager.

The Code Enforcement Officer and Town Manager or his or her designee is authorized to enforce this Ordinance.

B. Violation notification.

If the Code Enforcement Officer finds that any provision of this Ordinance is being violated, the Code Enforcement Officer shall provide notification in writing to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it.

B. Commencement of enforcement action.

The Code Enforcement Officer may commence an enforcement action requesting, among other things, correction of the violation, civil penalties, attorney's fees and costs; such enforcement action may see injunctive relief.

Section 4.2 PENALTIES

Violation of any provision of this Ordinance or any lawful order relating to this Ordinance by the Code Enforcement Officer shall be subject to a fine of not less than \$100.00 nor more than \$2,500.00 per offense. Each day that the violation continues is a separate violation. In the event that the Town incurs any expense in the enforcement of this Ordinance, including but not limited to court costs and attorney's fees, the Town shall be entitled to collect such costs from the violator. Any penalties or costs assessed shall be payable to the Town of Naples.

Section 4.3 APPEALS

A. Appeal to Municipal Officers.

Whenever a person shall deem themselves aggrieved by an order made by the Code Enforcement Officer or Town Manager or designee, the person may file an appeal to the Municipal Officers within ten (10) days of the date of the order, and the person shall be afforded a hearing on the matter before the Municipal Officers. Unless by their authority the order is revoked or amended, such order shall remain in force and be forthwith complied with by the person in its original form or as amended.

B. Revocation or amendment.

In cases of applicability or interpretation of the rules or regulations, the Municipal Officers may revoke or amend such order made by the Code Enforcement Officer or Town Manager or designee.

C. Extensions or exceptions.

In cases where compliance with such order made by the Code Enforcement Officer or Town Manager or designee would cause a disproportionate burden on the appellant, the Municipal Officers may extend the time limit or grant exceptions to the order, or waive requirements of this Ordinance or any applicable rules or regulations, provided that the Municipal Officers shall give due consideration to the purposes of the rules or regulations in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public right-of-way.

ARTICLE V

SEVERABILITY, INCONSISTENCY AND EFFECTIVE DATE

Section 5.1 SEVERABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other provision.

Section 5.2 INCONSISTENCY

If provisions of this Ordinance conflict or are inconsistent with other provisions of this Ordinance, with the provisions of other ordinances of Town of Naples, or with laws, ordinances, rules or regulations of the federal government or the State of Maine, the stricter requirements shall apply and control.

Section 5.3 REPEAL OF STREET VENDOR ORDINANCE

As of the effective date below, the Town of Naples Street Vendor Ordinance adopted June 16, 2010 is hereby repealed by the enactment of this Ordinance.

Section 5.3 EFFECTIVE DATE

The effective date of this Ordinance shall be when enacted by the Town of Naples.

Enacted on June 4, 2014.

TOWN OF NAPLES

SUBDIVISION ORDINANCE

**As adopted by YCRPC on January 11, 1972, and amended by SMRPC on April 25, 1972,
for use by municipal planning boards, and as amended by the 1983 Rivers Act.**

Adopted by the Naples Planning Board May 4, 1972

Amended September, 1985

Amended November 29, 1988

Amended May 14, 1991

Amended June 11, 2002

Amended June 16, 2010

TABLE OF CONTENTS

ARTICLE I	PURPOSE	4
ARTICLE II	AUTHORITY AND ADMINISTRATION	5
ARTICLE III	PREAPPLICATION	6
Section 3.1	Submissions	6
ARTICLE IV	REVIEW AND APPROVAL OF MINOR SUBDIVISION	6
Section 4.1	General	6
Section 4.2	Procedure	6
Section 4.3	Submissions	7
ARTICLE V	PRELIMINARY PLAN FOR MAJOR SUBDIVISION	8
Section 5.1	Procedure	8
Section 5.2	Submissions	9
ARTICLE VI	FINAL PLAN FOR MAJOR SUBDIVISION	11
Section 6.1	Procedure	11
Section 6.2	Submissions	13
Section 6.3	Final Approval and Filing	14
Section 6.4	Plan Revisions after Approval	14
Section 6.5	Public Acceptance of Streets, Recreation Areas	15
ARTICLE VII	ENFORCEMENT	15
ARTICLE VIII	GENERAL REQUIREMENTS	15
Section 8.1	General Requirements	15
Section 8.2	Subdivision Plan Shall Conform to Comprehensive Plan	15
Section 8.3	Relationship to Community Services	15
Section 8.4	Retention of Proposed Public Sites and Open Spaces	16
Section 8.5	Preservation of Natural and Historic Features	16
Section 8.6	Land Not Suitable for Development	16
Section 8.7	Liquidation Harvesting	17
Section 8.8	Lots	17
Section 8.9	Easements for natural Drainage Ways	18
Section 8.10	Utilities	18
Section 8.11	Additional Requirements	18
Section 8.12	Required Improvements	18

ARTICLE IX	DESIGN STANDARDS	18
Section 9.1	Monuments	18
Section 9.2	Street Signs	19
Section 9.3	Streets	19
Section 9.4	Sidewalks	26
Section 9.5	Water Supply	26
Section 9.6	Sewage Disposal	26
Section 9.7	Surface Drainage	27
ARTICLE X	IMPROVEMENT GUARANTEES REQUIRED	27
ARTICLE XI	VARIANCES AND WAIVERS	31
ARTICLE XII	APPEALS	32
ARTICLE XIII	SEPARABILITY AND EFFECTIVE DATE	32
INDEX		i – vi
APPENDIX		
Copy of Subdivision Law		vii-ix
Sample Subdivision Land Survey and Topographic Map		x
Sample Subdivision Sketch Plan		xi
Sample Subdivision Location Map		xii
Sample Subdivision Preliminary Plan		xiii
Sample Subdivision Final Plan		xiv

ARTICLE I PURPOSE

- 1.1 The purpose of these standards* shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Naples, Maine, the Board shall consider the following criteria and before granting approval shall determine that the proposed subdivision:
- (A) Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; and the applicable State and local health and water resources regulations. The Planning Board requires that allocations for phosphorus loading are to be based on the most current data available in the Code Enforcement Office;
 - (B) Has sufficient water available for the reasonably foreseeable needs of the subdivision;
 - (C) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
 - (D) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
 - (E) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
 - (F) Will provide for adequate solid and sewage waste disposal;
 - (G) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
 - (H) Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services;
 - (I) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
 - (J) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any; and

- (K) The subdivider has adequate financial and technical capacity to meet the above stated standards.
- (L) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water and will meet all the requirements of the Naples Shoreland Zoning Ordinance.
- (M) As a condition of approval, the Planning Board will require any further division of an approved subdivision, or lots therein, to be reviewed and approved by the Planning Board.

*** See Appendix viii for full text of law**

ARTICLE II AUTHORITY AND ADMINISTRATION

2.1 Authority

- 2.1.1 These standards have been prepared in accordance with provisions of Title 30-A M.R.S.A., , Sections 4401-4406.
- 2.1.2 These standards shall be known and may be cited as “Subdivision Ordinance of the Town of Naples, Maine”.

2.2 Administration

- 2.2.1 The Planning Board of the Town of Naples, hereinafter called the Board, shall administer these standards.
- 2.2.2 The provision of these standards shall pertain to all the land proposed for subdivision as herein defined within the boundaries of the Town of Naples.

The Planning Board shall require the applicant or his/her authorized agent to deposit in escrow with the Town an amount of money to cover the costs for any professional review of the plan and documents which the Board may feel is reasonably necessary to protect the environmental quality or general welfare of the Town. Maximum amounts for this escrow payment shall be established by the Board of Selectpersons. This escrow payment shall be made before the Board engages any outside party to undertake this review and make recommendations to the Board. Any part of this escrow payment in excess of the final costs for review shall be returned to the owner or his agent. Maximum amount to be deposited shall be as shown on the Fee Schedule.

2.2.4 The Planning Board will not process an application or a new subdivision or for an amendment to an approved subdivision for any subdivider currently in default of any requirement of a previously approved subdivision.

ARTICLE III PREAPPLICATION

3.1 Submissions

- 3.1.1 A Sketch Plan shall be submitted to the Planning Board for informational purposes only.
- 3.1.2 The Sketch Plan shall show, in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should include the data listed in Section 4.3 or such of it as the Planning Board determines is necessary for its consideration of the proposed Sketch Plan (* See Appendix x and xi for sample Sketch Plan and Survey Map)
- 3.1.3 General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawing required above.

This information shall include data on existing covenants, medium intensity soil survey and soil interpretation sheets and available community facilities and utilities and information describing the subdivision proposal such as, number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas and other public areas, proposed protective covenants and proposed utilities and street improvements.

ARTICLE IV REVIEW AND APPROVAL OF MINOR SUBDIVISION

4.1 General

- 4.1.1 The Planning Board may require, where it deems it necessary for the protection of public health, safety and welfare that a Minor Subdivision comply with all or any of the requirements specified for Major Subdivisions.

4.2 Procedure

- 4.2.1 Within six months after submission of the Sketch Plan, the subdivider shall submit an application for approval of a Final Plan* at least fifteen (15) days prior to a scheduled meeting of the Board. Failure to do so shall require re-submission of the Sketch Plan to the Planning Board for reclassification. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- 4.2.2 All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee as shown on the Town of Naples fee schedule, payable by check to the Town of Naples, Maine, stating the specific purpose of the fee.

- 4.2.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.
- 4.2.4 The Planning Board shall, within forty-five (45) days from the date of submission, approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval. If the Board fails to take action within forty-five (45) days as specified above, the Final Plan shall be deemed disapproved.

*See Appendix xiv for sample final plan

4.3 Submissions

- 4.3.1 The subdivision plan for a Minor Subdivision shall consist of one original and nine copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch, which shall be legibly reproduced on a durable material or clearly drawn in India ink or linen and the size of the sheets shall be 8 ½ x 11 inches or a multiple thereof, but in no case larger than 34 x 44 inches. Such sheets shall have a margin of two (2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a Minor Subdivision shall include all the information presented on the Sketch Plan plus the following:

- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan.
- (3) A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eight acre or as determined by the Planning Board. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, will be made in accord with the Soil Suitability Guide for Land Use Planning in Maine and will accompany the plot plan soils study.
- (4) All on site sewage and water supply facilities shall be shown designed to meet the minimum specifications of these standards and all pertinent State and local ordinances. Compliance shall be stated on the Plan and signed by a licensed engineer.

- (5) Proposed name of the subdivision or identifying title, and the name of the Municipality in which it is located.
- (6) The date, north point, graphic map scale, name and address of record owner and subdivider, and names of adjoining property owners.
- (7) A soil erosion and sediment control plan containing the endorsement of the Cumberland County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission, or the discretion of the Planning Board.

ARTICLE V PRELIMINARY PLAN FOR MAJOR SUBDIVISION

5.1 Procedure

- 5.1.1 Within six months after submission of the Sketch Plan , the subdivider shall submit an application for the consideration of a Preliminary Plan* for a major Subdivision. Failure to do so shall require resubmission of the Sketch Plan to the Planning Board . The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Board.
- 5.1.2 The application for conditional approval of the Preliminary Plan shall be accompanied by a fee as shown on the town of Naples fee schedule payable by check to the Town of Naples, Maine, stating the specific purpose of the fee.
- 5.1.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.
- 5.1.4 Within forty-five (45) days after formal submission of a Preliminary Plan, the Planning Board shall take action to give preliminary approval, with or without modifications or disapprove such Preliminary Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board, and the subdivider shall be notified in writing. Failure of the Planning Board to act within such forty-five (45) day period shall constitute disapproval of the Preliminary Plan. Prior to preliminary approval the Planning Board shall hold a public hearing.
- 5.1.5 When granting preliminary approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to: (1) the specific changes which it will require in the Final Plan; (2) the character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety, and general welfare, as decided by the Selectmen; (3) the amount of improvements or the amount of all bonds, therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary

Plan. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Municipal Officers.

5.1.6 Preliminary approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

5.1.7 After review of the Preliminary Plan, the Planning board may require a site walk

* See Appendix xiii for sample Preliminary Plan

5.2 Submissions

5.2.1 Location Map* The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over fifty (50) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show: 1) all the area within two thousand (2,000) feet of any property line of the proposed subdivision, or; 2) any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the Location Map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the Location Map shall show:

- (1) All existing subdivisions and approximate tract lines of acreage parcels together with the names of the record owners of all adjacent parcels of land, namely, those directly abutting or directly across any street adjoining the proposed subdivision.
- (2) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph 1, above.
- (3) The boundaries and designations of zoning districts, school districts and parks or other public spaces.
- (4) An outline of the proposed subdivision together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plan submitted covers only part of the subdivider's entire holding.

* See Appendix xii for sample Location Map

5.2.2 Preliminary Plan

The Preliminary Subdivision Plan shall be submitted in ten (10) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by the following information:

- (1) Proposed subdivision name or identifying title and the name of the Municipality.
- (2) Name and address of record owner, subdivider and designer of Preliminary Plan.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- (4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision. At present: 1) Shoreland Zoning; 2) forty thousand (40,000) square feet minimum lot size.
- (6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing and proposed streets, highways, easements, building envelopes, buffers, stormwater and/ or phosphorus control measures, alleys, parks and other public open spaces.
- (8) The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the subdivider.
- (9) Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more.
- (10) A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with the USDA Soil Conservation Service National Cooperative Soil Classification. The intensity of this study must identify changes in soil conditions down to one eighth acre, or area as determined by the Planning Board. A lot by lot soils suitability determination for house building with septic sewage disposal or, if appropriate, house building with public sewage disposal, will be made in accord with the Soil Suitability

Guide for Land Use Planning in Maine and will accompany the plot plan soils study.

- (11) Typical cross sections of the proposed grading for roadways (and sidewalks, if included in plans).
- (12) Date, true north point and graphic scale.
- (13) Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.
- (14) Connection with existing supply or alternative means of providing water supply to the proposed subdivision.
- (15) Connection with existing sanitary sewerage system or alternative means of treatment and disposal proposed.
- (16) If a private sewage disposal system is proposed, location and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location and results of percolation tests.
- (17) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
- (18) Preliminary designs of any bridges or culverts, which may be required.
- (19) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- (20) The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- (21) All parcels of land proposed to be dedicated to public use and the conditions of such dedication, or land to be left permanently unused.
- (22) The location of all natural features or site elements to be preserved.
- (23) A soil erosion and sediment control plan containing the endorsement of the Cumberland County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission.

ARTICLE VI FINAL PLAN FOR MAJOR SUBDIVISION

6.1 Procedure

- 6.1.1 The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan* in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after the approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require re-submission of the Preliminary Plan.

* See Appendix xiv for sample Final Plan

6.1.2 If the proposed subdivision:

- (a) Occupies a land area in excess of 30 acres and consists of at least 15 lots for single-family, detached, residential housing, common areas and open space, or
- (b) Occupies a land area in excess of 20 acres and consists of at least 5 lots, other than lots for single-family, detached, residential housing, common areas and open space, or
- (b) Involves a structure or structures, having in excess of 60,000 square feet of ground area coverage, or
- (c) Requires a license from the Department of Environmental Protection under some other regulation such as waste discharge or air quality, or
- (d) In any other way falls within the jurisdiction of and is subject to review by the State of Maine Environmental Improvement Commission, then:

The approval of the State of Maine, Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.

6.1.3 Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:

- (a) The servicing Water Department of existing public water service is to be used, or
- (b) The State of Maine, Department of Health and Welfare if the subdivider proposes to provide a central water supply system, or
- (c) A civil engineer registered in the State of Maine if individual wells serving each building site are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Maine Department of Health and Welfare.

Such approval shall be secured before submission of the Final Plan.

6.1.4 Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

- (a) The servicing Sanitary Sewer District if existing public disposal systems are to be used, or
- (b) The State of Maine, Department of Health and Human Services if a separate central sewage collection and treatment system is to be utilized, subdivider or

- (c) The Maine Department of Environmental Protection if the municipal system to be utilized is inadequate by State standards and the waste generated is of a “significant” nature, or is the waste is to be discharged, treated or untreated, into any body of water.

Such approval shall be secured before official submission of the Final Plan.

6.1.5 A public hearing may be held by the Planning Board within thirty (30) days after the time of submission of the Final Plan for approval. This hearing shall be advertised in a newspaper of local circulation at least ten (10) days before such hearing and notice of said hearing shall be posted in at least three (3) prominent places at least ten (10) days prior to the hearing. and to the clerk of the appropriate adjacent municipality in the case of a Plan located within five hundred (500) feet of a municipal boundary, at least ten (10) days prior to the hearing.

6.1.6 The Planning Board shall, within forty-five (45) days from the submission of the final plan or the public hearing, approve, modify and approve or disapprove the Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board. Failure of the Planning Board to act within such forty-five (45) day period shall constitute disapproval of the Final Plan.

6.2 Submissions

6.2.1 The Final Plan shall consist of ten (10) copies of one (1) or more maps or drawings, which shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:

- (1) All of the information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.
- (2) The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.
- (3) Street names and line, pedestrian ways, lots, easements and areas to be reserved for or dedicated to public use.
- (4) Sufficient data acceptable to the Municipal Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practical these should be tied to reference points previously established.

- (5) The length of all straight lines, the deflection angles, radii, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (6) By proper designation, all public open space for which offers of cession are made by the subdivider and those spaces to which title is reserved by him.
- (7) Lots and blocks within the subdivision numbered in accordance with local practice.
- (8) Permanent reference monuments shown thus: "X". They shall be constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.
- (9) A performance guaranty to secure completion of all improvements required by the Board and written evidence that the Municipal Officers are satisfied with the sufficiency of such bond.

6.3 Final Approval and Filing

- 6.3.1 Upon completion of the requirements in Articles V and VI above and notion to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Municipal officers. The Plan shall then be filed with the Cumberland County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days.
- 6.3.2 At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two (2) or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Municipal Officers and the Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Municipal Officers, Planning Board and the subdivider.

6.4 Plan Revisions after Approval

- 6.4.1 No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications. In the event that a Final

Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Municipal Officers and the Registry of Deeds.

6.5 Public Acceptance of Streets, Recreation Areas

6.5.1 The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, easement, or other open space shown on such Plan.

6.5.2 When a park, playground, or other recreation area shall have been shown on the Plan, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Planning Board shall require the Plan to be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE VII ENFORCEMENT

7.1 Any person violating this Ordinance or 30M.R.S.A. sections 4401-4406, shall be subject to the enforcement provisions of 30M. R. S.A. section 4452.

ARTICLE VIII GENERAL REQUIREMENTS

8.1 In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

8.2 Subdivision Plan shall conform to Comprehensive Plan.

8.2.1 Any proposed subdivision shall be in conformity with a Comprehensive Plan or policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

8.3 Relationship of Subdivision to Community Services.

8.3.1 Any proposed subdivision shall be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will be completed by the subdivider prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to:

Schools, including busing
Road maintenance and snow removal
Police and fire protection
Solid waste disposal
Recreation facilities
Runoff water disposal drainage ways and/or storm sewer
enlargement with sediment traps

8.3.2 The Board shall further require the subdivider of a Major Subdivision to provide accurate cost estimates to the town for the above services and the expected tax revenue of the subdivision.

8.4 Retention of Proposed Public Sites and Open Spaces

8.4.1 The Board shall require the subdivider to provide a minimum of 10% of his total area for open space. Areas reserved for open space shall be easily accessible from all lots within the subdivision.

8.5 Preservation of Natural and Historic Features.

8.5.1 The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" or more), the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

8.6 Land Not Suitable for Development.

8.6.1 The Board shall not approve such portions of any proposed subdivision that:

- (a) Are located within the 100 year frequency flood plain as identified by an authorized Federal or State agency, or when such identification is not available, are located on flood plain soils identified and described in the National Cooperative Standard Soil Survey.
- (b) Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds (natural body of water ten (10) acres or more in size).

- (c) Employs septic sewage disposal and is located on soils rated poor or very poor by the Maine State Plumbing Code. Where soils are rated fair for septic sewage disposal, the minimum lot size shall be forty thousand (40,000) square feet.

8.6.2 Wherever situated, in whole or in part, within two hundred-fifty (250) feet of the high water line of any pond, lake, river, a proposed subdivision shall conform to the Naples Shoreland Zoning Ordinance.

8.7 Liquidation Harvesting

8.7.1 No division of land shall be approved if it is determined by the Planning Board that the parcel has been harvested in violation of rules of “Liquidation Harvesting”, pursuant to 12 MRSA Section 8866, et. Seq (“Forest Practices”).

8.8 Lots

8.8.1 The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

8.8.2 Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

8.8.3 The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage of one hundred (100) feet on a street and two hundred (200) feet on water.

8.8.4 Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

8.8.5 Side-lot lines shall be substantially at right angles or radial to street lines.

8.8.6 Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit future

resubdivision in accordance with the requirements contained in these standards.

8.9 Easements for Natural Drainage Ways.

8.9.1 Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly. Such easement or right-of-way shall be not less than thirty (30) feet in width.

8.10 Utilities.

8.10.1 The size, type and location of public utilities, such as, street lights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.

8.10.2 Utilities shall be installed underground except as otherwise approved by the Board.

8.11 Additional Requirements.

8.11.1 Street trees, esplanades and open green spaces may be required at the discretion of the Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the subdivider as construction of the subdivision progresses.

8.11.2 The subdivision design shall minimize the possibility of noise pollution either from within or without the development (from highway or industrial sources) by providing and maintaining a green strip at least twenty (20) feet wide between abutting properties that are so endangered.

8.12 Required Improvements.

8.12.1 The following are required improvements: monuments, street signs, streets, sidewalks, water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provisions of these standards.

ARTICLE IX

DESIGN STANDARDS

9.1 Monuments.

9.1.1 Permanent monuments shall be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curvature.

9.1.2 Monuments shall be stone or iron post with engineer's cap, located in the ground at final grade level, and indicated on the Final Plan. If stone monuments are set, drill holes, one half inch (1/2") deep shall locate the point or points described above.

9.2 Street Signs.

9.2.1 Streets that join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, or bare phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board.

9.2.2 Street name signs shall be furnished and installed by the subdivider. The type, size and location shall be consistent with other Naples street signs.

9.3 Streets.

9.3.1 Classification.

In accordance with a Comprehensive Plan of the municipality and for the purposes of these standards, streets are classified by function, as follows:

- (1) Major Streets The term "Major Streets" includes Arterial Streets which serve primarily as major traffic ways for travel between and through towns; and Collector Streets, which serve as feeders to arterial streets, as collectors of traffic from minor streets and for circulation and access in commercial and industrial areas.
- (2) Minor Streets. Local streets, which are used primarily for access to abutting residential, commercial or industrial properties.

9.3.2 Layout.

9.3.2.1 Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of a Preliminary Plan.

9.3.2.2 All streets in the subdivision shall be so designed that, in the opinion of the Board; they will provide safe vehicular travel while discouraging movement of through traffic.

- 9.3.2.3 The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such streets. Grades or streets shall conform as closely as possible to the original topography.
- 9.3.2.4 In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a twenty (20) foot wide easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.
- 9.3.2.5 Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town or in a designated Association, under conditions approved by the Planning Board.
- 9.3.2.6 In front areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the municipality, the street right-of-way and / or pavement width shall be increased by such amount on each side as may be deemed necessary by the Board to assure the free flow of through traffic without interference by parked or parking vehicles, and to provide adequate and safe parking space for such commercial or business district. In no case shall the street have a right-of-way width less than fifty (50) feet nor have less than two (2) nine (9) foot travel lanes and two (2) three (3) foot parking lanes.
- 9.3.2.7 Adequate off-street loading space, suitably surfaced, shall be provided in connection with lots designed for commercial use.
- 9.3.2.9 Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Minimum Lot Size or Land Use Ordinance.

9.3.2.10 Where a subdivision abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage (that is, frontage on a street other than the existing or proposed arterial street) with screen planting contained in a non-access reservation, or such other treatments as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

9.3.2.11 Subdivisions containing fifteen (15) lots or more shall have at least two (2) street connections with existing public streets or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plan for which a bond has been filed.

9.3.2.12 Entrances onto existing or proposed collector streets shall not exceed a frequency of one per four hundred (400) feet of street frontage. Entrances onto existing or proposed arterial streets shall not exceed a frequency of one (1) per one thousand (1,000) feet of street frontage.

9.3.2.13 Minor Streets in the subdivision shall be so laid out that their use by through traffic will be discouraged.

9.3.3 Design and Construction Standards.

9.3.3.1 All streets in a subdivision shall be designed and constructed to meet the following standards for streets according to their classification as determined by the Planning Board:

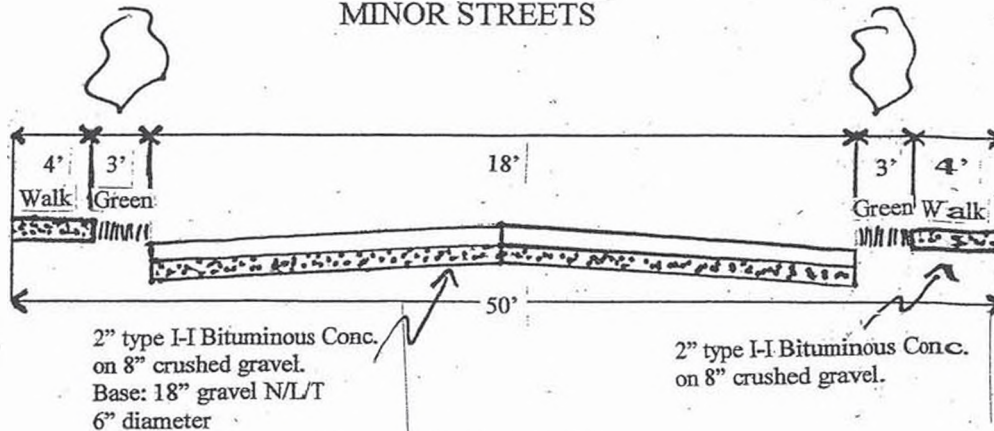
DESIGN AND CONSTRUCTION STANDARDS FOR STREETS

<u>Item</u>	<u>Arterial Streets</u>	<u>Collector Streets</u>	<u>Minor Streets</u>
1. Minimum width	80'	50'	50'
2. Minimum width of pavement*	44'	18'	18'
3. Minimum grade	.5%	.5%	.5%
4. Maximum grade	5%	10%	10%
5. Maximum grade at intersections	3% within fifty (50) feet of intersections		
6. Minimum angle of intersections		-60°-	
7. Width of shoulders	9'	4'	3'
8. Minimum centerline radii on curves	800'	200'	200'
9. Minimum tangent length between reverse curves	300'	200'	100'
10. Road base (minimum)	24"	18"	18"
Sub-base-bank gravel	18"	15"	15"
Upper base-surface gravel	6"	6"	6"
11. Asphalt paving	2 ½"	2 ½"	2"
12. Road crown (minimum)	¼"/1'	¼"/1'	¼"/1'
13. Sidewalks width (minimum where required)	8'	4'	4'
Base course (gravel)		-8"-	
Surface	2" Bituminous hot-top		
14. Dead-end or cul-de-sac streets			
Width		50'	
Length, as approved by the Fire Chief			
Radii of turn-around at enclosed end or other turn around as approved by the Fire Chief			
Property line (minimum)		65'	
Pavement (minimum)		50'	
15. Property line radii at intersection (minimum)		10'	
16. Curb radii at intersections			
90° intersections		-25°-	
Less than 90° intersections		-30°-	

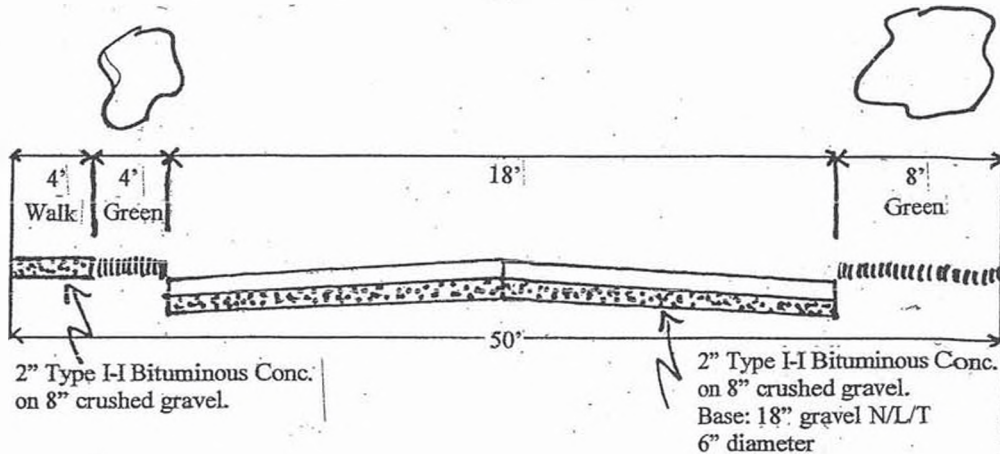
* In addition to the minimum pavement width, all streets in a mobile home park shall have a cleared area (no vegetation or appurtenances over three (3) feet high) of forty (40) feet within the right-of-way to provide for maneuvering of mobile homes.

GEOMETRIC STANDARD – STREETS MINIMUM REQUIREMENTS

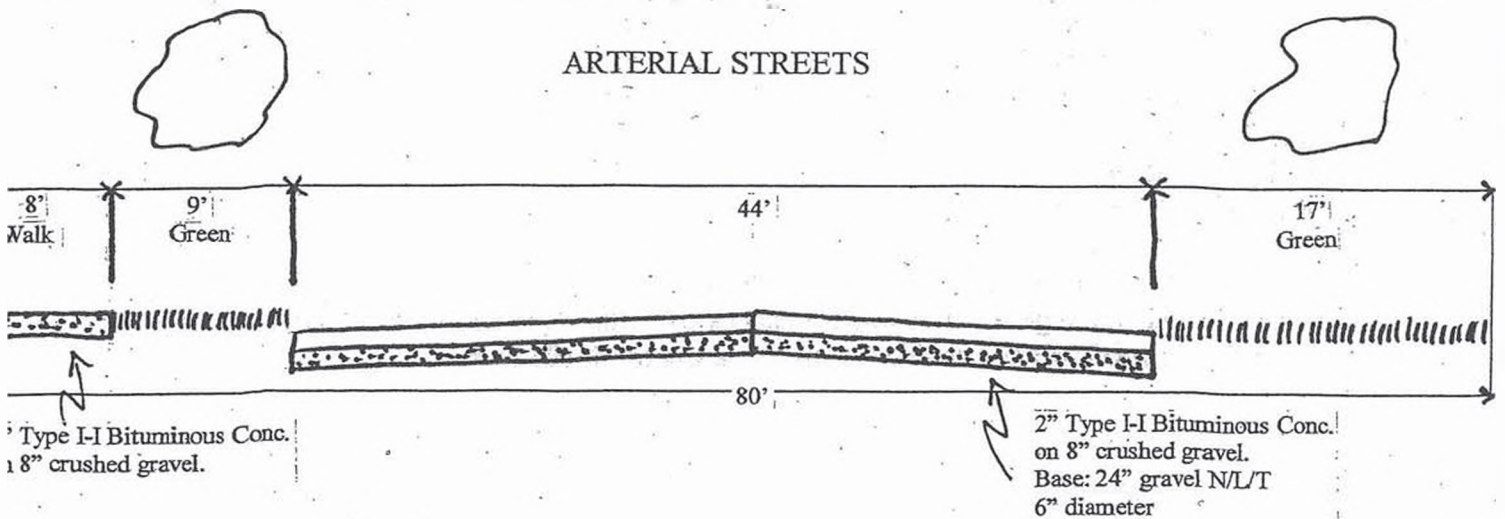
MINOR STREETS



COLLECTOR STREETS



ARTERIAL STREETS



- 9.3.3.2 Grades of all streets shall conform in general to the terrain and shall not be less than one-half (1/2) of one (1) percent nor more than five (5) percent for arterial streets. Six (6) percent for collector streets or ten (10) percent for minor streets in residential zones, but in no case more than three (3) percent within fifty (50) feet of any intersection.
- 9.3.3.3 All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Board so that clear visibility shall be provided for a distance of two hundred (200) feet.
- 9.3.3.4 Intersections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end where one (1) street approached another between sixty-ninety (60-90) degrees the former street should be curved approaching the intersection.
- 9.3.3.5 Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between centerlines of offset intersecting streets.
- 9.3.3.6 Street lines at intersections shall be cut back to provide for curb radii of not less than twenty-five (25) feet for ninety (90) degree intersections and thirty (30) feet for intersections less than ninety (90) degrees.
- 9.3.3.7 Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow twenty-five (25) foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level three (3) feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.
- 9.3.3.8 A dead end street or cul-de-sac shall be reviewed by the Fire Chief and approved at the discretion of the Planning Board after advisement from the Fire Chief and shall be provided with a suitable turn-around at the closed end. When a turning circle is used it shall have a minimum outside curb radius of sixty-five (65) feet.

9.3.3.9 All streets shall be provided with adequate drainage facilities to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces.

9.3.3.10 Side slopes shall not be steeper than three (3) feet horizontal and one (1) foot vertical, graded, loamed, (six (6) inches compacted) and seeded as required.

9.3.3.11 Street curbs and gutters shall be required on all streets within Maine State Highway Commission defined urban areas and shall be required at the discretion of the Planning Board in rural areas.

9.3.3.12 Where curb and gutter are not required, stabilized shoulders and proper drainage shall be the responsibility of the subdivider in compliance with the requirements herein.

9.3.3.13 All roadways within the subdivisions shall be constructed according to road specifications herein as overseen by the municipal road commissioner or third party inspector.

9.3.4 Planting

9.3.4.1 All esplanade or planting strip areas at sides of streets shall receive at least six (6) inches of compacted top-soil (loam) free of stones over one (1) inch in diameter, sods, and clay. Base materials shall be removed prior to placement of topsoil.

9.3.4.2 Planting strips to be limed at the rate of one (1) pound per ten (10) square feet and fertilized at the rate of one (1) pound of a 10-10-10 fertilizer per fifty (50) square feet or equivalent and seeded with a conservation mix endorsed by the Cumberland County Soil and Water Conservation District.

9.3.4.3 When required by the Planning Board, street trees shall be planted in the esplanade areas of all new streets.

9.3.4.4 Trees of the 1st magnitude: (Birch, Beech, Linden, Oak, Pine, Sugar Maple, Basswood) shall be planted at forty-sixty (40-60) foot intervals.

9.3.4.5 Trees of the 2nd magnitude: (Hawthorn, Flowering Crabapple, etc.) may be planted at intervals of less than forty (40) feet.

9.4 Sidewalks

- 9.4.1 Sidewalks shall be installed at the expense of the subdivider where the subdivision abuts or fronts onto a major street and at such locations as the Board may deem necessary.

9.5 Water Supply

- 9.5.1 A public water supply system with fire hydrants shall be installed at the expense of the subdivider, or, if in the opinion of the Board, service to each lot by a public water system is not feasible, the Board may allow individual wells to be used, which shall likewise be installed at the expense of the subdivider, unless subdivider is only selling lots, not developing them.
- 9.5.2 Storage shall be provided as necessary to meet fire protection needs as reviewed by the Fire Chief.
- 9.5.3 The Planning Board may require the subdivider shall demonstrate by engineering reports prepared by a civil engineer registered in the State of Maine, that the proposed subdivision will not result in an undue burden on the source.
- 9.5.4 The water supply shall be designed and installed in accordance with requirements of the Maine Department of Health and Human Services.
- 9.5.5 Dug wells are not permitted on lots developed by the subdivider.
- 9.5.6 If a central water supply system is provided by the subdivider, location and protection of the source and design, construction and operation of the distribution system and appurtenances and treatment facilities shall conform to the recommendations included in the Manual for Evaluating Public Drinking Water Supplies, Public Health Service No 1180 (1969).

9.6 Sewage Disposal

If a private sewage disposal system is proposed, the subdivider shall submit locations and results of tests to ascertain subsurface soil and ground water conditions, depth to maximum ground water level, location and results of percolation tests for review and approval under the State of Maine Subsurface Wastewater Disposal Rules.

9.7 Surface Drainage

- 9.7.1 Where a subdivision is traversed by a watercourse, drainage way or future sewer line, or where the Board feels that surface water drainage to be created by the subdivision should be controlled for the protection of the subdivision and owners of property abutting it, there shall be provided an easement or drainage right-of-way and culverts, catch basins or other means of channeling surface water within such subdivision and over the property of owners abutting upon it, of such nature, width and location as an engineer deems adequate.
- 9.7.2 The subdivider shall provide a statement from a Civil Engineer, registered in the State of Maine, that the proposed subdivision will not create erosion, drainage or runoff problems either in the subdivision or in adjacent properties. The subdivider shall submit a surface drainage plan showing ditching culverts, easements and other proposed improvements.
- 9.7.3 Topsoil shall be considered part of the subdivision. Except for surplus topsoil for roads, parking areas and building excavations, it is not to be removed from the site.
- 9.7.4 Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. The Board may require a subdivider to take measures to correct and prevent soil erosion in the proposed subdivision.

ARTICLE X IMPROVEMENT GUARANTEES REQUIRED

10.1 Improvement Guarantees Required

Before the submission of a Final Plan, the subdivider shall provide the Town with improvement guarantees if road construction, offsite improvements, utilities, common water and/or sewer, recreational land, phosphorus or stormwater controls or drainage work is planned. Such improvement guarantees shall be in the form of one or more of the guarantee options listed in section 10.8 that will cover at least 100% of the cost of completion

10.2 Procedure

The subdivider shall file with the Planning Board a proposed improvement guarantee, a plan by a professional engineer for the required improvements, and estimates to complete the required work by at least two contractors.

The Planning Board may request an opinion of the improvement plan and the cost of the improvements from a third party, cost to be incurred by subdivider. The

third party shall also recommend what types of inspections would be required to guarantee the standards of this Ordinance and the approved plan are met. The recommended inspections shall become part of any improvement guarantee accepted by the Planning Board.

The Planning Board shall determine whether the form, amount and duration of the improvement guarantee are sufficient.

In the event the Planning Board refuses to approve the proposed improvement guarantee as filed by the subdivider, they shall notify the subdivider in writing. The Planning Board shall not grant final approval until it has received a sufficient guarantee. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved Plan.

The burden of submitting improvement guarantees in compliance with this Ordinance shall at all times remain with the subdivider.

10.3 Time Limit

10.3.1 Completion Deadline

All required improvements within a subdivision shall be completed within two (2) years of final subdivision approval. The improvement guarantee must provide performance protection to the Town during said two (2) year period plus at least six (6) months following the expiration of the two (2) year period. The additional six (6) month period is required as protection to the Town in the event the subdivider fails to complete the required improvements or fails to complete them satisfactorily.

10.3.2 Extension

The Planning Board may extend the completion deadline for two (2) additional years at one-year increments only where the subdivider presents substantial reason for doing so. No request for extension shall be considered until at least six (6) months prior to the original or extended completion deadline. Before extending the initial deadline or the initial extension, the Planning Board shall require that the improvement guarantee be extended in duration to cover the extended period of time plus an additional six (6) month period. Before extending the initial deadline or the initial extension, the Planning Board shall review the form and amount of the improvement guarantee to make certain it remains adequate.

10.4 Inspection and Certification

10.4.1 If the Road Commissioner or third party inspector shall find, upon inspection of the improvements performed before expiration date of the

performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Code Enforcement Officer and Planning Board. The Code Enforcement Officer shall then notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond.

The subdivider shall notify the Planning Board in writing of the time when he proposes to commence construction of such improvements so that the Planning Board can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

For road construction, the following inspections are required by, and must be approved by, the Road Commissioner or third party inspector, at the subdivider's expense, before work may continue:

- Stumping and grubbing;
- Sub-grade preparation, and drainage;
- Application of the base gravel;
- Application of final grade;
- Hot top, and seeding.

10.4.2 Upon completion of the improvements, the subdivider shall file the following with the Code Enforcement Officer:

- a. A sworn statement from the subdivider's engineer that all required improvements are completed in strict compliance with all applicable construction standards and the approved subdivision plan and that the engineer knows of no defects from any cause in the improvements;
- b. A sworn statement from the subdivider that the improvements are free and clear of any encumbrance or lien and that the subdivider knows of no defects from any cause in the improvements.

10.5 Release of Guarantee

As soon as the Planning Board or their authorized representative have inspected the improvements and certified that they are satisfactorily completed, and the subdivider has filed the statements required in Section 10.4.2 of this Ordinance, the Planning Board shall release the previously required improvement to the subdivider.

10.6 Reduction of Guarantee

The Planning Board may release, at their discretion, the guarantee subject to the following provisions:

- a. The project is 90% complete as determined by the Planning Board.
- b. There are no deficiencies in the project.
- c. A cash bond performance guarantee is agreed to for one-hundred fifty percent (150%) of the remaining cost of the project.

10.7 Incomplete or Unsatisfactory Work

If the Planning Board determines, according to the procedures laid out in Section 10.4, Inspection and Certification of this Ordinance, that the improvements have not been satisfactorily completed according to the accepted subdivision plan within the agreed upon time, they shall inform the subdivider in writing of the Town's intent to exercise its rights against the improvement guarantee. They shall cause the incomplete or unsatisfactory work to be completed and to be paid for from the improvement guarantee assets. Any guarantee assets unused in the completion of the unsatisfactory or incomplete work, and associated costs, shall be returned to the subdivider at the discretion of the Planning Board.

10.8 Improvement Guarantee Options

10.8.1 Performance Bond

Under this improvement guarantee option, the subdivider shall obtain a subdivision bond from a surety bonding company authorized to do business in the State of Maine in a form satisfactory to the Planning Board. The bond shall be payable to the Town of Naples and shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a registered Professional Engineer and as approved by the Planning Board. The duration of the bond shall be for a period of time acceptable to the Planning Board, but in any case shall be for at least two (2) years and six (6) months unless the subdivider is granted an extension in accordance with section 10.3.2 of this Ordinance. In the event an extension is granted, the Planning Board shall require the duration of the subdivision bond to be extended for at least six (6) months from the termination of the new time limit but not for more than one (1) year from the termination of the new time limit.

10.8.2 Letter of Credit

Under this improvement guarantee option, the subdivider shall provide as a guarantee an irrevocable letter of credit from a bank or other reputable institution satisfactory to the Planning Board, such letter of credit to be in a form satisfactory to the Planning Board. The letter of credit shall be for an amount sufficient to cover the full cost of all required improvements as estimated by a Registered Professional Engineer and as approved by the

Planning Board. The letter of credit shall be deposited with the Planning Board and shall certify the following:

- a. That the creditor does guarantee funds in an amount equal to the costs of completing all required improvements as estimated for the subdivider by a Registered Professional Engineer approved by the Planning Board,
- b. In case of failure on the part of the subdivider to complete the specified improvements satisfactorily within the required time period, the creditor shall pay to the Town of Naples immediately, and without further action, such funds as are necessary to finance the proper completion of these improvements, up to the credit limit stated in the letter;
- c. That the letter of credit is valid for the period of time required by the Planning Board. The period of time, not less than two (2) years and six (6) months from the date of subdivision approval, shall be stated in the letter. During that time, the letter may not be withdrawn or reduced in amount except with the approval of the Planning Board..

10.8.3 Cash Escrow

Under this improvement guarantee option, the subdivider shall provide as guarantee cash held in an account at a bank or other reputable institution subject to the approval of the Planning Board. The amount of cash shall be in an amount sufficient to cover the full cost of all required improvements as estimated by a Registered Professional Engineer who is approved by the Planning Board. The subdivider shall enter into an agreement with the Town that shall stipulate the terms under which the Town may accept a cash escrow.

ARTICLE XI VARIANCES AND WAIVERS

- 11.1 Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.
- 11.2 Where the Planning Board finds that, due to special circumstances of a particular Plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the

proposed subdivision, it may waive such requirements, subject to appropriate conditions.

11.3 In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

11.4 There will be no waivers on road paving standards.

ARTICLE XII

APPEALS

12.1 An appeal from a decision of the Planning Board may be taken to the Board of Appeals if one has been established by the municipality in accordance with Title 30, M.R.S.A. Chapter 213, Section 2411..

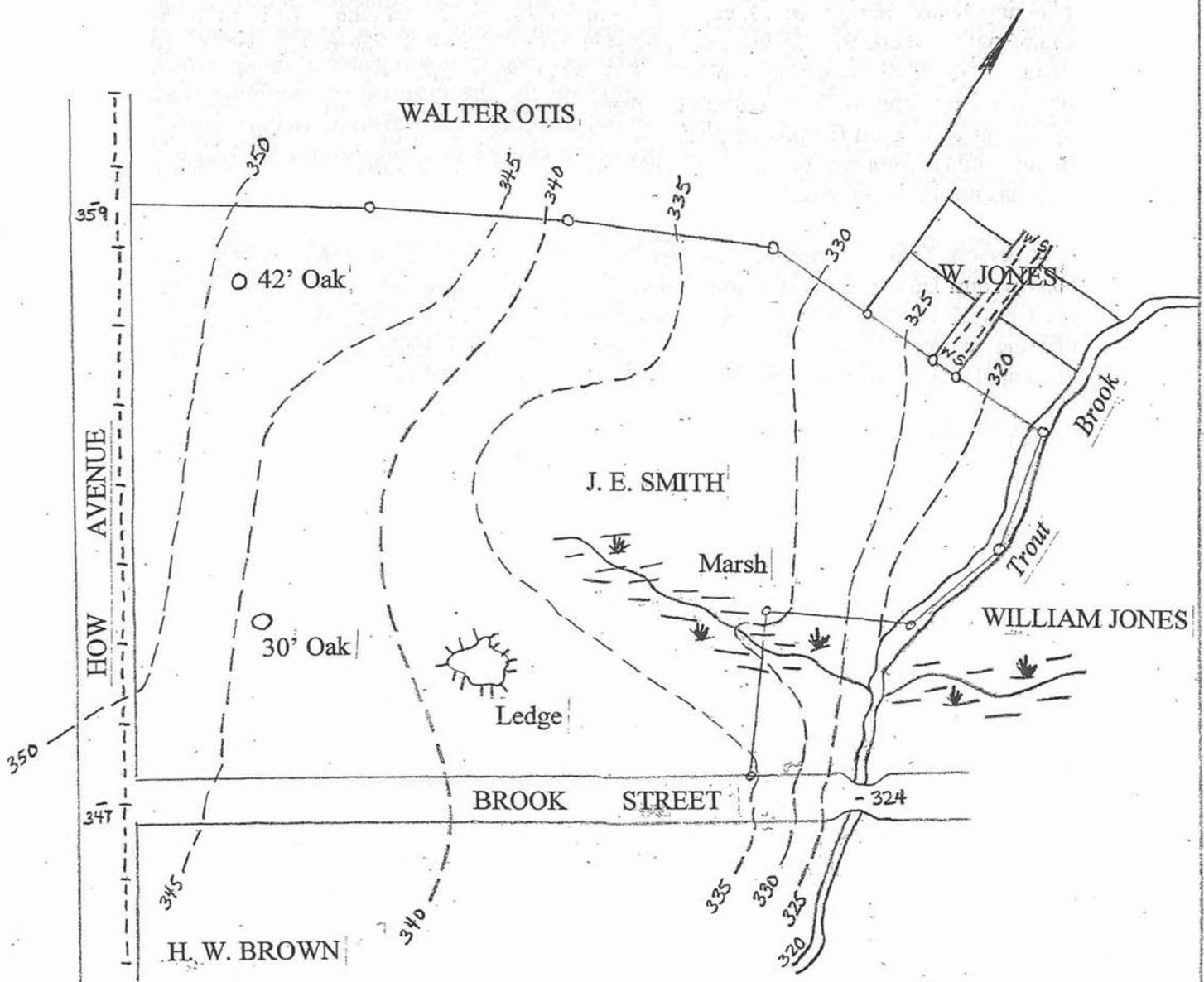
ARTICLE XIII

SEPARABILITY AND EFFECTVIE DATE

A. The invalidity of any provision of these standards shall not invalidate any other part.

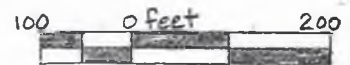
B. These standards shall take effect immediately on adoption of the same by the Planning Board or legislative body.

(Sample)
LAND SURVEY AND TOPOGRAPHIC MAP

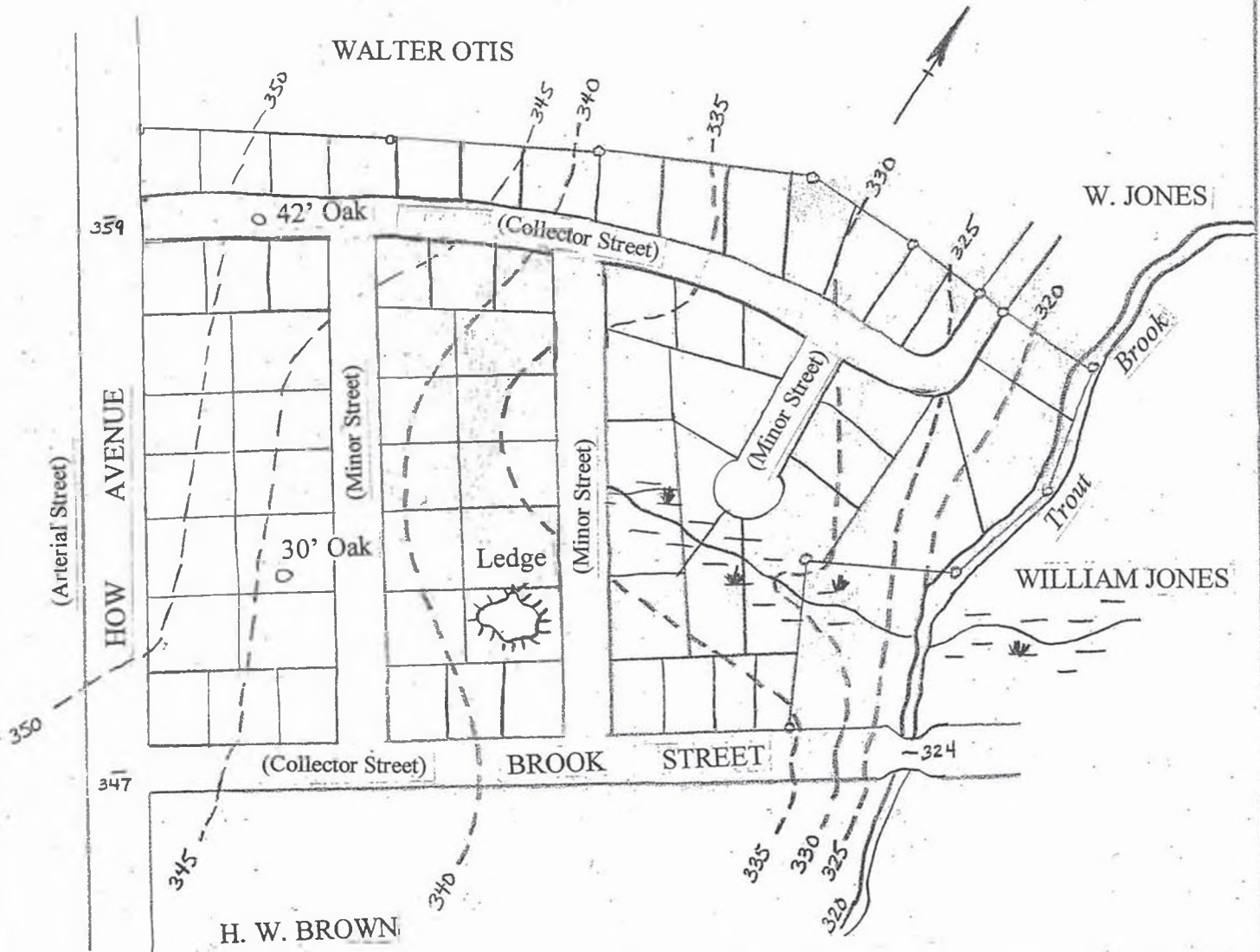


LAND SURVEY & TOPOGRAPHIC MAP
OAKLEDGE HOMES
J. E. SMITH - OWNER

prepared by: John Brown
registered land surveyor



(Sample)
SKETCH PLAN

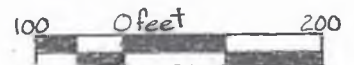


CONDITIONS OF APPROVAL

SIGNED BY:

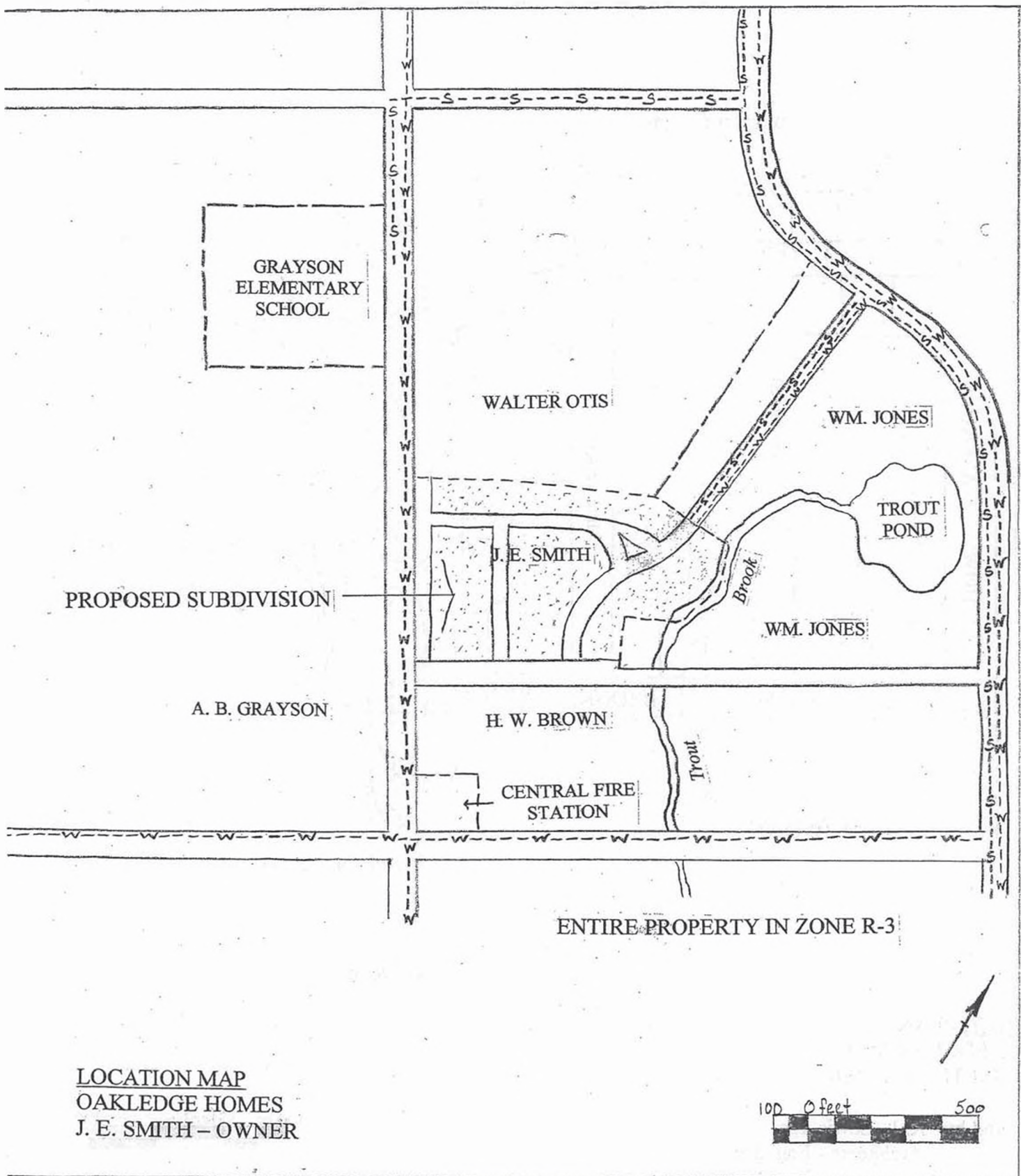
SKETCH PLAN
OAKLEDGE HOMES
J. E. SMITH - OWNER

Prepared by: R. L. Lewis, Inc.
Architects - Engineers



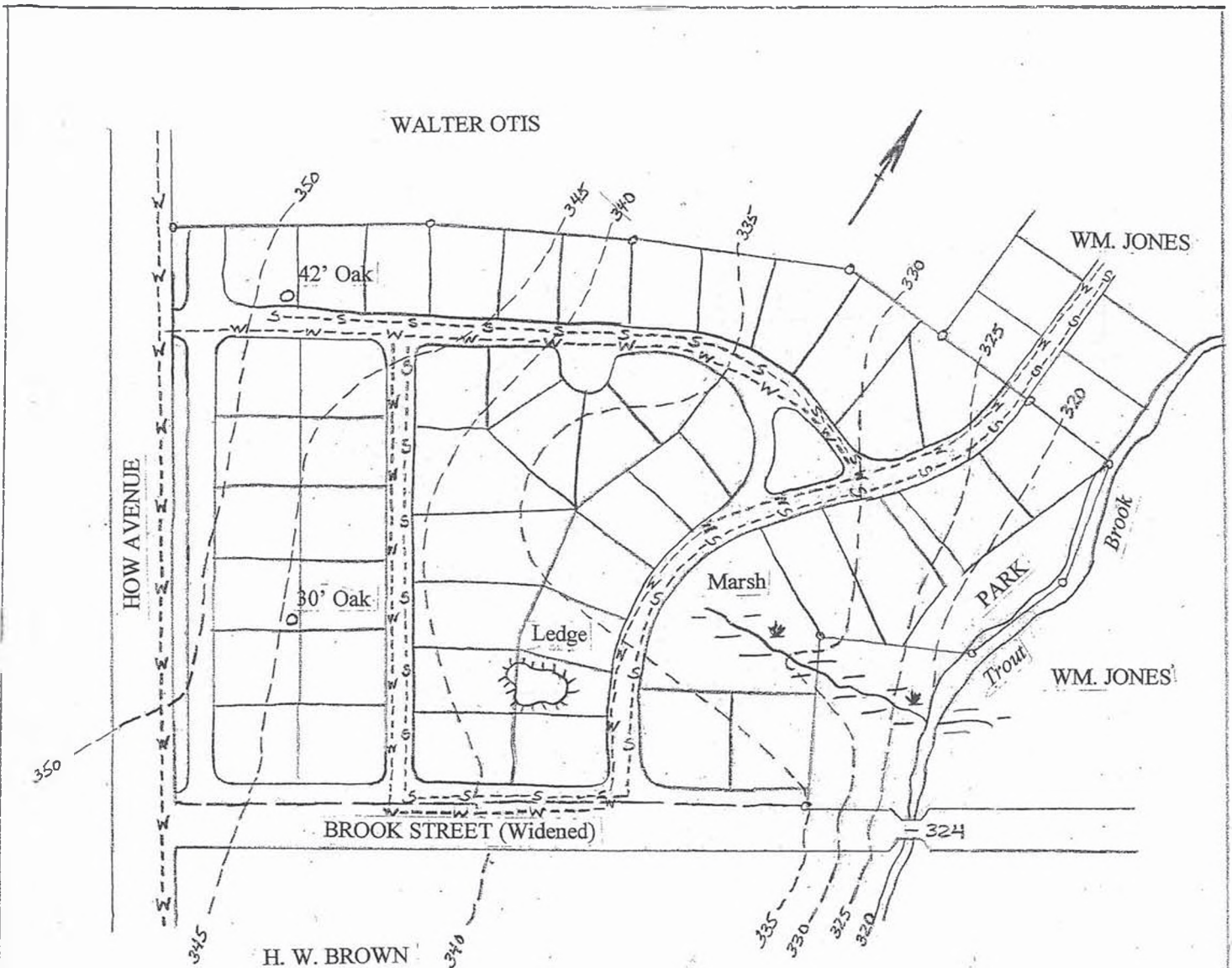
See text page 9

(Sample)
LOCATION MAP



LOCATION MAP
OAKLEDGE HOMES
J. E. SMITH - OWNER

(Sample)
PRELIMINARY PLAN
After Review of Sketch Plan*

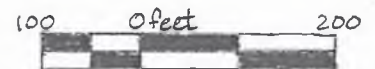


PRELIMINARY PLAN
OAKLEDGE HOMES
J. E. SMITH - OWNER

Prepared by: R. L. Lewis, Inc.
Architects - Engineers

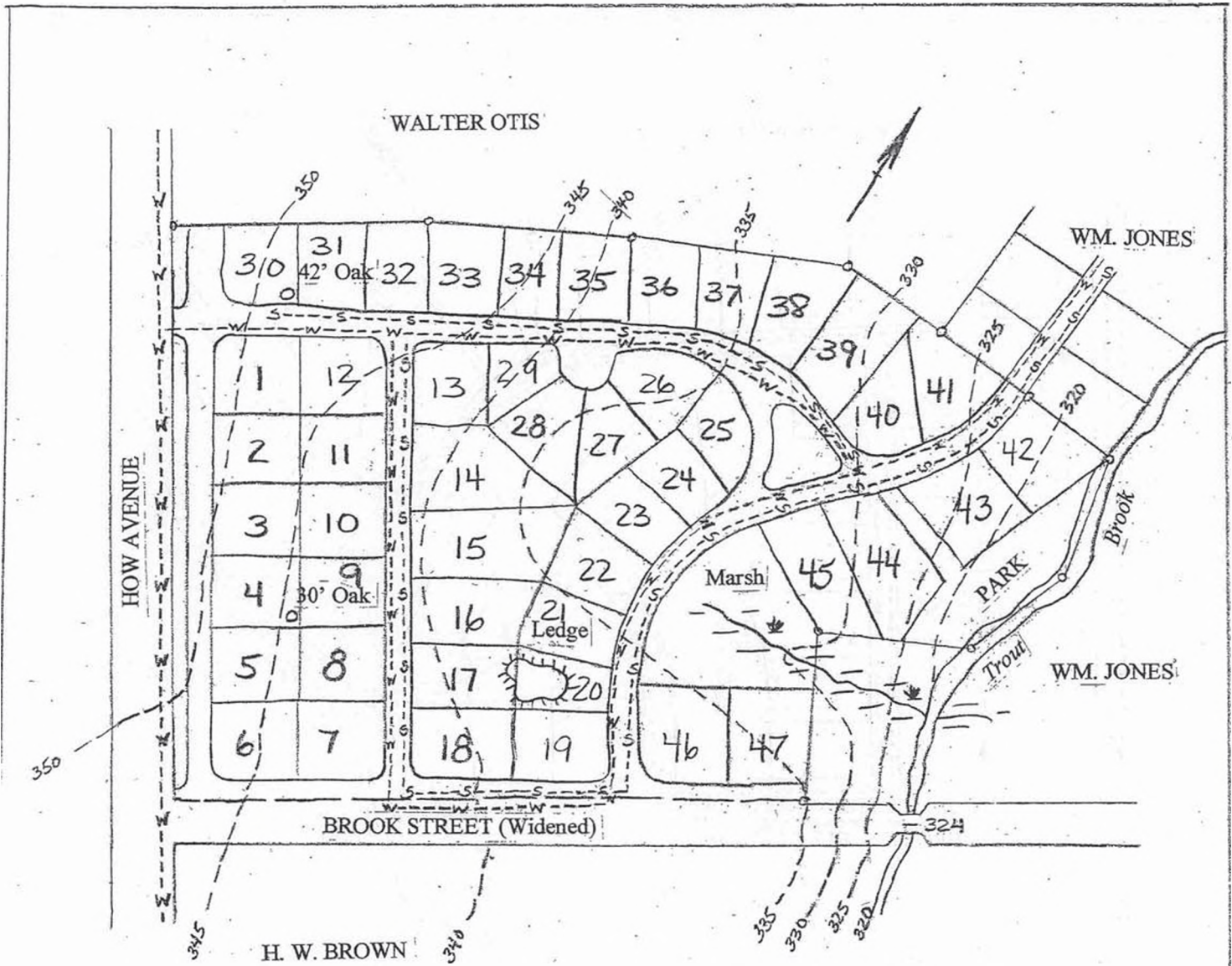
CONDITIONS OF APPROVAL:

Signed by:



* See text page 13

(Sample)
FINAL PLAN*

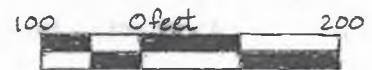


FINAL PLAN
OAKLEDGE HOMES
J. E. SMITH - OWNER

CONDITIONS OF APPROVAL:

Signed by: _____

Prepared by: R. L. Lewis, Inc.
Architects - Engineers



*See text page 10

Town of Naples

Tobacco-Use Policy

The Town of Naples is dedicated to providing everyone with a safe and healthy environment at all of the Town of Naples recreational area properties, effective July 23, 2018.

The Town of Naples recognizes that smoking and the use of tobacco products at our recreational area properties is detrimental to the health and safety of everyone. The Town of Naples supports an environment where nobody is exposed to the harmful effects of secondhand smoke and everyone is supported in efforts to live tobacco-free. Therefore, the Town of Naples has adopted a 100% tobacco-free recreational area property policy, that exceeds state law (22 M.R.S.A. § 1580-A).

This policy prohibits all smoking and the use of all tobacco 24 hours a day, 365 days a year:

- In all Town of Naples owned, leased and affiliated buildings.
- On all Town of Naples owned or leased properties
- At all Town of Naples permitted or sanctioned events— both indoors and outdoors when on Town of Naples property.
- In all Town of Naples owned, leased or rented vehicles.

This smoke and tobacco-free policy applies to all people utilizing the Town of Naples space, including organizers of, and attendees at, public events, including but not limited to, athletic events, concerts, productions, conferences, meetings, lectures, social events and/or cultural events using the Town of Naples owned, leased and affiliated property. Everyone is required to abide by the Town of Naples smoke and tobacco-free policy.

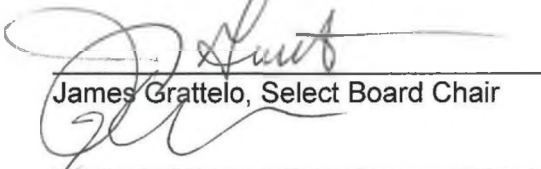
DEFINITIONS

- A. “Smoking” means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic in any manner or in any form. “Smoking” also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy. Non-smoked marijuana products including, but not limited to, edibles and dabs are also included in this policy.
- B. “Tobacco” is defined as all tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and dissolvable tobacco products, including but not limited to, dip, spit/spit-less, chew, snuff, snus and nasal tobacco; and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to, electronic nicotine delivery systems, e-cigarettes, e-cigars, e-hookahs, vape pen or any other product name or descriptor. Or the use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of tobacco in this policy. This does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

PROCEDURES

This policy will be communicated through tobacco-free signs posted at all property entrances and throughout the facility, through employee education, including being written into training manuals and new employee orientation. Everyone is required to comply with the Town of Naples tobacco-free policy. All Town of Naples residents, landowners, and other guests shall obey and follow all posted rules and regulations as well as the provisions of this ordinance. Enforcement procedures are as follows: Enforcement of this policy is viewed as the shared responsibility of all those in the Town of Naples community. The primary goal is to achieve voluntary compliance by educating residents and other visitors about the policy and providing smoking cessation assistance to those who seek it.

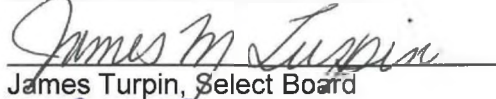
Signed this 23rd day of July 2018.



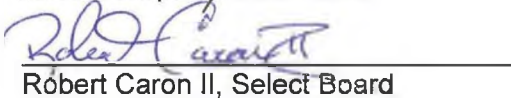
James Grattelo, Select Board Chair

Kevin Rogers, Select Board

Richard Cebra, Select Board



James Turpin, Select Board



Robert Caron II, Select Board

Town Property Ordinance

Town of Naples

Adopted: June 5, 2013

Amended: June 1, 2015

I. PURPOSE

To govern the use of Town owned properties to assure reasonable use and access by all citizens, to preserve and protect facilities acquired and/or maintained with taxpayer funds, and to provide for the enforcement of said rules and regulations.

II. APPLICABLE LOCATIONS:

Unless otherwise excluded, these rules and regulations shall apply to all Town owned properties.

III. RULES AND REGULATIONS:

All Town of Naples residents, non-resident taxpayers non-residents and other guests shall obey and follow all posted rules and regulations as well as the provisions of this ordinance.

1. Only a resident or non-resident taxpayer of the Town, their immediate family and guests, will be allowed to use any of the Naples Town Beach/Kent's Landing picnicking, beach, boat launch or other facilities. Non-residents who are not taxpayers of the Town shall be charged a non-refundable fee, in such amount as may be established by order of the Board of Selectmen from time to time, for use of the boat launch at Kent's Landing. All persons, including non-residents, shall be allowed access to Long Lake via Town property at a designated access point from ice in to ice out.
2. All Town properties and all associated parking areas will be closed from sunset until sunrise except designated access routes to Long Lake and Trickey Pond from ice in to

- ice out and for Town approved meetings or events. The use of Town property for sleeping or camping is prohibited unless approved by the Town.
3. Pets, except for service dogs, are not allowed on the Town beach, Town playgrounds or Town owned buildings. Pets shall be allowed on other Town property only if secured in a vehicular or by leash no longer than eight feet so long as they are under the control of the owner as defined in the current Naples Dog Ordinance. All dog owners shall be responsible for the immediate removal of excrement on all Town properties.
 4. Any children under the age of 12 must be supervised.
 5. No person shall have in his or her possession any open container of alcoholic beverage on Town property.
 6. A person may not smoke tobacco or any other substance on all Town properties.
 7. No person shall engage in any disorderly conduct or behavior on Town property.
 8. There shall be no open fires on Town property excepting any events as approved by the Town.
 9. Small propane or charcoal grills as designated on the map area of the Town Beach will be allowed.
 10. There shall be no glass containers allowed on the Town property. The disposal of diapers, bottles, cans, garbage of any kind is prohibited on all Town property except in containers specifically designated by the Town for such purposes.
 11. No body or hair washing, including the use of soap, shampoo or other cleaning agent shall be permitted on Town properties except the designated area in the municipal building.
 12. Watercraft and/or trailers shall be stored in designated areas only.
 13. Water skiing, water tubing, or wake boarding are prohibited from the Town beach or landings.
 14. On all rights-of-ways leading to the Town beach and Boat Landings, the maximum speed limit shall be 10 miles per hour.

IV. ENFORCEMENT AND PANALITIES:

This Ordinance shall be enforced by the Town Manager, Selectboard members, the Recreation Director or any other designated person authorized by the Selectboard.

Any person violating any provision of this Ordinance and any person who aids, abets, or assists therein shall be punished by a civil fine of not less than \$100.00 (one hundred dollars) nor more than \$500.00 (five hundred dollars), in addition to actual attorney's fees incurred by

the Town and costs. Each individual occurrence or infraction shall be considered a separate violation of this Ordinance.

V. EFFECTIVE DATE:

This Ordinance shall take effect upon adoption by the Town and shall amend and supersede any conflicting Town Ordinances.

Attested: A True Copy

Judy Whynot, Town Clerk

Date

TOWN OF NAPLES
TRAFFIC ORDINANCE
Approved July 15, 1996 by the Board of Selectpersons
Effective July 15, 1996
Amended December 22, 1997
Amended June 30, 2003
Amended and Approved on October 8, 2007

AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE TOWN OF NAPLES AND REPEALING ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT HEREWITH.

Be it enacted by the Board of Selectmen for the Town of Naples as follows:

SECTION I--Stopping, Standing or Parking Prohibited in Specified Places

No person shall stop, stand or park a vehicle or motorcycle, except when necessary to avoid conflict with other traffic, or in compliance with law, or the directions of a law enforcement officer, or traffic controlled device, in any of the following places:

1. On any area designated as a fire access;
2. On a sidewalk;
3. In front of or on a public or private road, driveway, alleyway, fire lane or loading zone;
4. Within an intersection;
5. Within ten feet of a fire hydrant;
6. On a crosswalk;
7. Within 15 feet of the near corner of the curbs at an intersection, except where otherwise designated;
8. Within 15 feet upon the approach to any stop sign located at the side of a roadway;
9. On the roadway side of any vehicle stopped or parked at the edge of a curb or street;
10. Upon any bridge;
11. At any place where official signs, white or yellow painted curbs or other road painting or markings so prohibit;
12. In any other place or manner, which obstructs vehicular or pedestrian traffic along a public or private way.

SECTION II--Obstruction of Free Passage

No person shall stop, stand, park or leave a vehicle or motorcycle on any street in such a manner or under such condition so as to obstruct the free passage of other vehicles or motorcycles in either direction, or so as to leave available less than fifteen feet of the width of the roadway for free movement of vehicular traffic, unless specifically permitted by a law enforcement officer.

A person is guilty of obstructing public ways if the person unreasonably obstructs the free passage of foot or vehicular traffic on any public way, and refuses to cease or remove the obstruction upon a lawful order to do so given to them.

As used in this section, “public way” means any public highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of park commissioners or a body having like powers.

SECTION III--Reverse Direction Parking Prohibited

No person shall allow, permit or suffer any vehicle or motorcycle to stand or park on any street facing oncoming traffic.

SECTION IV--Parking within Specified Allowable Times

The provisions of this Ordinance prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle or motorcycle to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or official traffic-control device.

SECTION V--Snow Ban Parking Restrictions

Between November 1 and April 15 no vehicle or motorcycle shall be parked on any public street or way from 11:00 p.m. to 7:00 a.m., so as to interfere with or hinder the removal of snow from said street or way by the Town plowing or loading and hauling. Parking may be prohibited with notification to facilitate daytime snow removal.

SECTION VI--Removal of Vehicles at Owner's Expense

The Town Manager or Road Commissioner or Their Authorized Designee(s) may cause any vehicle or motorcycle parked in violation of Section V, or any other provision of this Ordinance, to be moved and placed in a suitable parking space off of the street, at the expense of the owner of such vehicle or motorcycle, and without the Town being liable for any damage that may be caused by such removal.

SECTION VIIA—Sales/Advertising

No selling or sales or advertising of any items in/on public parking spaces without the Town Managers and/or Selectpersons approval.

SECTION VIIB—No Parking (Route 114 – Trickey Pond/Sebago Inlet Areas and in the area near State Park Road and Thompson Point Road)

There shall be no parking within 10 feet of the paved road on Route 114 in the Trickey Pond and Sebago Inlet areas; more specifically, there shall be no parking from a point

1/10 of a mile east of the Lake Sebago Estates main entrance westerly to the Camp Mataponi entrance, said distance being 1.1 mile.

There shall be no parking within 20 feet of the paved road on State Park Road from the State Park entrance to the Songo Lock Bridge. There shall be no parking within 20 feet of the paved road on Thompson Point Road within 1,500 feet of State Park Road Intersection. There shall be absolutely no parking in the island at the intersection of State Park Road and Thompson Point Road

SECTION VIII—*Disability Parking*

No person shall park any vehicle or motorcycle in any parking space designated as “Handicapped” or “Disabled” parking unless the vehicle or motorcycle bears a special registration plate or placard issued under M.R.S.A. Title 29-A, section 521 or 523, or a similar plate.

SECTION IX--*Restricted Parking*

No person shall park any vehicle or motorcycle in the two parking spaces lying northerly of and adjacent to the Naples’ Bay Bridge designated as “Reserved” or “RES” unless authorized to do so by the Maine Department of Transportation, Bridge Division.

SECTION X--*Use of Sidewalks*

The use of bicycles, skateboards, roller-skates, scooters and in-line skates on any public sidewalks is strictly prohibited. Bicycles may be “walked” along sidewalks.

SECTION XI--*Notice*

It shall be the duty of the Town Manager or his/her designee to erect appropriate signs giving notice of any parking time limit imposed or parking prohibition and no such regulations shall be effective unless said signs are erected and in place at the time of the alleged offense.

SECTION XII--*Maintenance*

The Town Manager with the approval of the Board of Selectmen shall place and maintain, or cause to be placed and maintained, traffic-control signs, signals and devices when and as required or authorized under this Ordinance, and may place and maintain such additional traffic-control devices as s/he may deem necessary to regulate traffic under this Ordinance or under State Law, or to guide or warn traffic, including angle parking signs, and markings, turning markers, and signs prohibiting left, right or U-turns, the location of which he is authorized to determine. All traffic-control devices so erected and not inconsistent with the provisions of the State Law or this Ordinance shall be official traffic control devices.

SECTION XIII--GENERAL PENALTY

Unless another penalty is expressly provided by State Law, any person found to have violated of any provisions of this Ordinance shall assessed a civil penalty of not more than \$100.00 for each offense, plus attorney fees and costs, except as otherwise provided in the following subsections of this section; and any civil penalty shall accrue to the Town.

Such payment shall in no event be construed as an enforced imposition of a fine or penalty, but on the other hand shall be construed to be an amount, which an offender may voluntarily contribute towards the cost and expense of furnishing to the public a less expensive alternative method of regulating and administering traffic law violations. Any person violating any parking provisions of this Ordinance shall be subject to the general penalty imposed for violation of this Ordinance; however, such person may elect, in lieu of such penalty, to pay the sum of \$10.00 for the first offense of such violation, and \$25.00 for the second and subsequent offenses except for disability parking violations, the penalty for such disability parking violations to be set in accordance with 30-A M.R.S.A. Section 3009 Subsection 1 D (3). If, however, such payment is not made at the Municipal Office within 72 hours after notice of such violation is served, by traffic ticket or otherwise, this alternative method is not available or applicable, and the penalty provided by this Ordinance shall be imposed.

SECTION XIV--Subsequent Penalty (ies)

After one hour if a vehicle or motorcycle is still parked in violation after being cited for a first offense, the second offense penalty will apply and the vehicle or motorcycle may be subject to being towed at the owner's expense and the owner may be required to pay the "second offense" payment to avoid prosecution in Court.

SECTION XV--Validity

If any part or parts of this Ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION XVI--Authority

This ordinance shall be created and enacted by the Town of Naples municipal officers and shall be amended from time to as deemed appropriate by the municipal officers under the authority of 30-A M.R.S.A. Section 3009.

SECTION XVII—Enforcement

The Town of Naples and/or its designees shall enforce the Traffic Ordinances, except that enforcement of disability parking restrictions shall be in accordance with 29-A M.R.S.A. Section 521 (9-A).

SECTION XVIII--Former Traffic Ordinances Repealed

All former traffic ordinances of this Town are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed prior to the enactment of this Ordinance.

SECTION XVIII--Certification and Public Notice

The Town Clerk shall certify to the passage of this Ordinance and cause notice of same to be published in the *Bridgton News*.

SECTION XX--Ordinance Title

This Ordinance may be known and cited as the Town of Naples Traffic Ordinance.

ZONING ORDINANCE

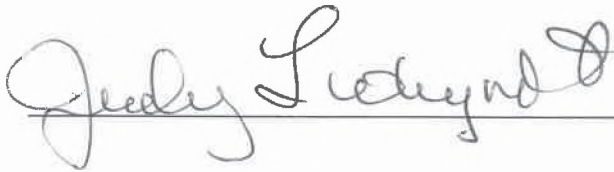
TOWN OF NAPLES

Enacted: May 20, 2009

Revised: June 1, 2015

Revised: June 9, 2018

Attested: Judy L. Whynot, Town Clerk



SECTION 1

GENERAL

SECTION 1. GENERAL

A. Title

This Ordinance shall be known and cited as the “Zoning Ordinance of the Town of Naples, Maine,” and will be referred to herein as “this Ordinance”.

B. Authority

This Ordinance is adopted pursuant to the enabling provisions of 30-A M.R.S.A., Sections 3001 through 3006, 4311 through 4349, and 4351 through 4359.

C. Purposes

The purposes of this Ordinance are:

1. To implement the provisions of the Town’s Comprehensive Plan;
2. To encourage the most appropriate use of land throughout the community; and
3. To promote and protect the health, safety and general welfare of the residents of the community.

D. Applicability

The provisions of this Ordinance shall apply to all land and all structures within the boundaries of the Town of Naples.

E. Conflicts with Other Ordinances

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, including the Naples Shoreland Zoning Ordinance, the more restrictive provision shall control.

F. Validity and Severability

Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

G. Effective Date

This Ordinance shall become effective when enacted by a majority vote at Town Meeting or a referendum vote by the registered voters of Naples.

H. Amendments

1. This Ordinance and the Official Zoning Map may only be amended by a majority vote at a Town Meeting.
2. The Selectpersons shall not place any proposed amendment to this Ordinance or to the Official Zoning Map on the Town Meeting Warrant until the Planning Board has held a public hearing on the proposed amendment. Notice of the public hearing shall be given pursuant to 30-A M.R.S.A. Sections 4352(9) and (10) as amended, and pursuant to 38 M.R.S.A. § 438-A (1-B) in instances where property is being considered for placement in a resource protection zone.
3. Following the public hearing, the Planning Board shall recommend approval or denial of the proposed change.
4. Amendments to the text of this Ordinance or to the Official Zoning Map may be proposed by the Planning Board, the Board of Selectpersons, or by a written petition of Town citizens pursuant to 30-A M.R.S.A. Sections 2522 and 2528. A signed petition shall not be a prerequisite for the Planning Board to hold a public hearing when the Planning Board or the Board of Selectpersons initiate proposed amendments.

SECTION 2

ADMINISTRATION

SECTION 2. ADMINISTRATION

A. Administration

1. Administration Bodies and Personnel

- a. Code Enforcement Officer. The Code Enforcement Officer shall be appointed in accordance with the provisions of State law and to enforce the provisions of this Ordinance.
- b. Planning Board. The Planning Board shall ensure that, during development review, all applicable standards of this Ordinance are met by all applications requiring Planning Board review under all applicable ordinances.
- c. Board of Appeals. The Board of Appeals shall be responsible for deciding administrative and variance appeals in accordance with the requirements of subsection H. Appeals.

B. Enforcement

1. Enforcement Procedure

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions, including applications

submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. In the case of violations in the Shoreland Zone, the Code Enforcement Officer shall, on a biennial basis [every two years], submit a summary of the record of such violation to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

- d. Legal Actions. When the procedure set forth under subparagraph (a) above does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions or violation and the imposition of civil penalties, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recording fines without Court action.
- e. Civil Penalties. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders, allows or conducts any activity in violation of this Ordinance shall be subject to civil penalties in accordance with Title 30-A MRSA Section 4452.

C. Appeals

1. Administrative Body

The municipal Board of Appeals, as appointed and composed pursuant to the Naples Shoreland Zoning Ordinance, shall decide administrative and variance appeals under this Ordinance and in accordance with 30-A, M.R.S.A., Section 4353, Subsection 4A and 4B.

2. Powers and Duties

- a. Administrative Appeals. The Board of Appeals shall have the following powers and duties: to hear and decide appeals where it is alleged that there is an error in any order, requirement,

decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the enforcement or administration of this Ordinance.

b. Variance Appeals

To authorize variances upon appeal, with the limitations set forth in this Ordinance.

- c. Except as described in subsection (4) below, variances may be granted only from dimensional requirements, including frontage, lot area, lot width, structure height, percent of lot coverage and setback requirements.
- d. Variances shall not be granted for establishments of any uses otherwise prohibited by this Ordinance.
- e. The Board shall not grant a variance unless it finds that:
 - i. The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the nonconformity and from which relief is sought; and
 - ii. The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" has the same meaning as set forth in 30-A M.R.S.A. § 4353(4).
- f. A variance may be granted to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling, pursuant to the provisions of 30-A M.R.S.A., Section 4353(4-A). A variance granted under this subsection shall be restricted to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. Conditions on such a variance may be imposed, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A., Section 4553 and the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- g. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed and the failure to comply with any conditions imposed is a violation of this Ordinance.
- h. In areas subject to the Mandatory Shoreland Act, a copy of all variances considered by the Board of Appeals shall be submitted to the Department of Environmental Protection at least twenty (20) days prior to action by the Board.

3. Appeal Procedures

a. Time Limit

If the Code Enforcement Officer or Planning Board disapproves an application or grants approval with conditions that are objectionable to the applicant or to any abutting landowner or other aggrieved party, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance has been misconstrued or wrongfully interpreted, the applicant, any abutting landowner, or other aggrieved party may appeal the decision of the Code Enforcement Officer or Planning Board in writing to the Board of Appeals within 30 days after the Code Enforcement Officer's decision is rendered.

b. Written Notice

Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, which includes:

- (1) A concise written statement indicating what relief is requested and why it should be granted.
- (2) A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief requested.

c. Record of Case

Upon being notified of an appeal the Code Enforcement Office or Planning Board shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

d. Public Hearing

The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request. Notice of the public hearing on each appeal shall be published at least once in a newspaper of general circulation within the Town of Naples at least fourteen (14) days prior to the date of the hearing. Notice of the public hearing on each appeal shall also be mailed to the applicant, the Municipal Officers and abutting property at least fourteen (14) days prior to the hearing date.

e. Decision by Board of Appeals

- (1) Quorum. A majority of the Board shall constitute a quorum for the purpose of deciding on an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (2) Majority Vote. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of either the Code Enforcement Officer or Planning Board or to decide in favor of the applicant on any matter which it is required by this Ordinance to decide, or to grant a variance from the Ordinance's stated terms.
- (3) Burden of Proof. The person filing the appeal shall have the burden of proof.
- (4) Action on Appeal. The Board of Appeals shall not conduct a de novo hearing, but shall review the record that was before the Code Enforcement Officer or Planning Board and may hear oral argument on that record. If the Code Enforcement Officer's

or Planning Board's record is insufficient, the Board of Appeals may remand the matter to the Code Enforcement Officer or Planning Board for further proceedings. The Board of Appeals may reverse the decision of the Code Enforcement Officer or Planning Board only upon finding that the decision is contrary to the provisions of this Ordinance or that the decision is unsupported by substantial evidence in the record. Whenever the Board of Appeals does not affirm the decision of the Code Enforcement Officer or Planning Board, the case shall be remanded to the Code Enforcement Officer or Planning Board with instructions.

- (5) Time Frame. The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, unless that timeframe is not practical or the parties consent to a longer timeframe, and shall issue a written decision on all appeals. The Board of Appeals must issue written notice of its decisions to petitioner, the petitioner's representative or agent and the Municipal Officers within seven (7) days after the decision is rendered, as required by Title 30-A M.R.S.A., Section 2691 (3) E.
- (6) Findings. All decisions shall become a part of the public record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

f. Appeal to Superior Court

Any party may take an appeal, within forty-five (45) days of the date of the vote on the original decision of the Board of Appeals to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B.

g. Reconsideration

The Board of Appeals may reconsider any decision reached within thirty (30) days of its prior decision. A vote to reconsider and the action taken on that reconsideration must occur and be completed within thirty (30) days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony.

h. Certificate of Variance

A certificate evidencing the variance shall be recorded in the Cumberland County Registry of Deeds within 90 days after it was granted, in accordance with the provisions of 30-A M.R.S.A., Section 4353, Paragraph 5.

SECTION 3
ZONING DISTRICTS
ZONING MAP

3.1 Establishment of Districts

The Town of Naples is hereby divided into the following Districts:

1. **Rural Area.**
Limited Residential Area. Home occupations and commercial activities in the rural area are grandfathered for their present use. Forestry, agricultural activities and residential uses except for mobile home parks are allowed in the rural area. Excessive growth and sprawl should be discouraged in the rural area.
2. **Critical Rural Area:**
Conservation land and easements, parks, critical habitat areas, significant wetlands and stream protection areas, lake and stream setbacks as shown on Shoreland Zoning Map, State of Maine Critical Wildlife Area Map, 100 year Floodplain Map (F.E.M.A.), National Wetlands Inventory Map, State, Regional and Local Public Land Trust Maps: this area shall remain undeveloped and not allow residential or commercial uses except for non profit non residential facilities. Campgrounds are prohibited in the Critical Rural zoning district.
3. **Commercial:**
The area where future commercial development outside of the village district shall take place. Residential use, except for mobile home parks, will be allowed in the Commercial zoning district. Light manufacturing is allowed in the Commercial zoning district subject to the limitations set forth in Section 3.6.
4. **Residential Growth Area:**
The area of the town where residential growth shall be encouraged. The area will allow all types of residential development including mobile home parks.
5. **Village District Area:**
The Village District area shall be a mixed residential, commercial and municipal service area. It is recommended that architectural design matching the historical character and small town image of the area be applied to all new construction and maintenance of existing buildings. Campgrounds are prohibited in the Village Zoning District.

3.2 Official Zoning Map

1. The Official Zoning Map is hereby adopted as part of this Ordinance. It shall be located at the town office in paper and computer image form

and shall be the final authority as to the current zoning status of the land and water areas, buildings, and other structures of the town.

2. If action of the Town Meeting amends districts or district boundaries, such change shall promptly be entered on the Official Zoning Map and certified on the map as follows: “on (date), by the action of the Town Meeting, the following changes were made on the Official Zoning Map: (brief description of the nature of changes),” which entry shall be signed by the Planning Board and attested by the Town Clerk.
3. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes or additions, the Town Meeting may adopt a new Official Zoning Map, which shall supercede the prior Official Zoning map. The new Official Zoning Map which shall be identified by the signature of the Planning Board attested by the Town Clerk, under the following words: “This is to certify that this Official Zoning Map supercedes and replaces the Official Zoning Map (date of adoption of map being replaced) as part of the Zoning Ordinance of the Town of Naples, Maine.” The superceded Official Zoning Map shall be preserved together with available records pertaining to its adoption or amendment.

3.3 Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of any district as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are so indicated as to approximately follow lot lines, such lot lines shall be construed to be such district boundaries;
2. Where District Boundaries are indicated as approximately following the center lines of roads, streets, highways, streams, rivers or other public/semi-private rights-of-way, such center lines shall be construed to be such boundaries;
3. Boundaries indicated as following shorelines shall be construed to follow such shores, and in the event of change in the shoreline shall be construed as moving with the actual shoreline;
4. Where uncertainty exists in determining the precise location of any district boundary line, or where physical or cultural features existing on the ground are in conflict with those shown on the Official Zoning Map, the Board of Appeals with advice from the Planning Board, shall interpret the district boundaries.

3.4 Existing Commercial Activities outside the commercial area are grandfathered for their present use only, and home occupations will be allowed in all areas except the critical rural area.

3.5 All activity in any of the Zoned area shall comply with all applicable Naples Ordinances and the Shoreland Zoning Ordinance, and shall be in compliance with the Naples Comprehensive Plan.

3.6 Limited Allowance of Light Manufacturing in Commercial District

Light manufacturing use is allowed with Planning Board site plan review and approval in those portions of the Commercial zoning district with (i) frontage along State Route 11 or (ii) frontage on Route 302 and located north of the Village District, subject to the following standards:

A. Space and Bulk Standards

<u>Minimum lot size</u>	<u>Two acres</u>
<u>Minimum frontage on State Route 11</u>	<u>200 feet</u>
<u>Front setback (principal and accessory buildings or structures)</u>	<u>50 feet</u>
<u>Minimum side and rear setbacks (principal and accessory buildings or structures) from commercial properties</u>	<u>20 feet</u>
<u>Maximum height (principal and accessory buildings or structures)</u>	<u>55 feet</u>
<u>Maximum footprint of principal building or structure</u>	<u>20,000 square feet</u>
<u>Maximum combined total footprint of all accessory buildings or structures</u>	<u>10,000 square feet</u>
<u>Maximum impervious surface</u>	<u>50 percent</u>

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may waive these standards so that substantial justice may be done and the public interest secure. These requirements may be waived by the Planning Board with a written request outlining said waiver.

B. Development Standards

1. **Streetline landscaped area:** A strip of land not less than 25 feet in width shall be maintained as a vegetated area adjacent to the front property line. This area shall be appropriately landscaped and maintained as a vegetated area. Where tree lines exist along existing streets or roads, an effort shall be made to preserve this feature and suitable provisions made to protect it through deed covenants or easements. This vegetated area shall not be used as parking, for the storage or display of materials, or for the location of dumpsters or similar items. Access drives may cross this area, but drives or accessways providing internal circulation shall not be located within this area.
2. **Residential buffer:** A 50 foot buffer strip shall be maintained along any lot line adjoining a lot being used for residential purposes. This buffer strip shall be maintained as a vegetated area and shall not be used as parking, for the storage or display of materials, or for the location of dumpsters or similar items. A visual barrier shall be established within the buffer strip by landscaping and/or fencing.

C. Performance Standards

Light manufacturing uses shall conform to all site plan review standards, plus the following:

1. **Enclosure of all production operations:** All production operations shall occur within a fully enclosed building or structure.
2. **Storage:** No equipment, materials or derelict vehicles shall be stored on the site unless they are enclosed within a secure area and screened from view from public streets and adjacent properties.
3. **Vibration:** Equipment and other activities shall not produce vibration measured at the lot line which is perceptible without instruments. In no case shall vibration at the lot line exceed .003 of one inch.
4. **Odors:** No offensive, harmful or noxious odors shall be emitted that create a public nuisance or hazard beyond the lot line of the parcel.

5. **Electromagnetic interference:** No electromagnetic interference shall be permitted that does not conform to State and federal standards.

6. **Off-street parking:**

(a) Off-street parking shall be located on the same lot with the principal building. Parking areas shall be arranged so that it is not necessary for vehicles to back into the street.

(b) Parking stalls and aisle layout shall conform to the standards in Table 1 of this subsection.

Table 1 Parking Stall and Aisle Layout

<u>Parking Angle (in Degrees)</u>	<u>Stall Width</u>	<u>Skew Depth</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
90	9'-0"	0'-0"	18'-0"	24'-0" two way
60	8'-6"	10'-6"	18'-0"	16'-0" one way only
45	8'-6"	12'-9"	17'-6"	12'-0" one way only
30	8'-6"	17'-0"	17'-0"	12'-0" one way only

(c) In parking lots utilizing a parking angle of 90 degrees, thirty percent (30%) of the spaces shall be created with a stall width of 10'-0" and a stall depth of 20'-0". Remaining spaces shall be created with a stall width of at least 9'-0" and a stall depth of at least 18'-0".

(d) In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

(e) A minimum of 1.5 parking spaces per 500 square feet of floor area shall be provided, but in no case less than one space for every two employees.

(f) The closest boundary of the parking area shall be within 300 feet of the principal building for which the spaces are required.

(g) Five percent (5%) of the total parking area, including maneuvering areas but not including access roads which are not a part of the parking area itself, shall be landscaped and maintained with trees, shrubs, and other natural vegetation, in a manner approved by the Planning Board.

(h) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.

(i) A system of surface drainage and erosion control shall be provided in such a way that the water runoff shall be disposed of on the site of development and, to the extent practicable, done so through the wise use of the natural features of the site.

(j) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

7. Off-street loading: Each loading bay shall have minimum dimensions of 50 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street. All loading bays and waiting areas shall be screened.